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Committee on the Elimination of Discrimination
against Women (CEDAW)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Second periodic reports of States parties

FRANCE*

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* For the initial report submitted by the Government of France, see CEDAW/C/5/Add.33 and CEDAW/C/5/Add.33/Amend.1; for its consideration by the Committee, see CEDAW/C/SR.93, CEDAW/C/SR.94 and CEDAW/C/SR.95, and Official Records of the General Assembly, forty-second session, Supplement No. 38 (A/42/38), paras. 370-451.

This document has been translated from an unedited original.

Under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, France herewith presents its second periodic report to the Committee on the Elimination of Discrimination against Women.

This document is a revised and updated version of the report prepared in 1989 and distributed by the Office of the Secretary-General of the United Nations as document CEDAW/C/FRA/2 of 20 February 1991.

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PART ONE

THE NATIONAL CONTEXT

I. BASIC DATA

Population

1. The total population of France is 56,634,299 - 29,080,511 women and 27,553,788 men.

Population since 1946

Census	Women	Men
1946	21 007 000	19 000 000
1954	22 236 000	20 664 000
1962	23 899 000	22 560 000
1975	26 885 000	25 744 000
1982	27 808 000	26 488 000
1989	28 727 000	27 290 000

Source: INSEE - Population censuses.

Female population trends by age

Unit: thousands

Age brackets	Women				Men	
	01.01.70	01.01.80	01.01.90	%	01.01.90	%
0-14	6 164	5 894	5 262	18.09	5 527	20.5
15-24	4 037	4 222	4 170	14.33	4 319	15.6
25-54	8 792	10 297	11 507	39.57	11 546	41.9
55-64	2 871	2 473	3 095	10.64	2 856	10.36
65-74	2 390	2 548	2 404	8.26	1 905	6.91
75 and above	1 618	2 054	2 639	9.07	1 397	5.07
Total	25 873	25 488	29 080	100	27 553	100

Source: INSEE

2. France covers an area of 550,000 km^2, with 101 inhabitants per square kilometer, although the population is unevenly distributed. The Ile-de-France region is the most densely populated, with 853 inhabitants per square kilometre, while the central and south-western areas, in particular, have only 50 or so inhabitants per square kilometre.

3. Three quarters of the French people are urbanites and live in communes of more than 2,000 inhabitants. Once essentially rural, the country has rapidly become urbanized, more particularly as a result of the wave of industrialization sweeping over it in the last century. Although France has over 36,000 communes, half of the population is concentrated in the 801 communes with over 10,000 inhabitants (104 of them having more than 50,000 inhabitants, 36 more than 100,000, and only 12 more than 200,000).

4. The French are 80 per cent Catholic, the remaining population being divided mainly between Protestants, Jews and Muslims. Other religions are represented by small population groups, with only a minority having no religious affiliation at all.

5. France's gross national product (GNP) is 6,000 thousand million francs, or 100,700 francs per inhabitant. The primary income of French citizens amounts to 4,134 thousand million francs, which breaks down into the gross earnings of wage-earners (2,938), the gross operating surplus (1,024) and net income from property (172).

Gross National Product and average salaries

6. In 1991 the net annual salary (i.e. after deduction of social security contributions) averaged 115,200 francs - 126,500 francs for men and 96,000 for women. The discrepancy is primarily due to the fact that women occupy a higher proportion of lower-paid jobs than men. The different levels are a glaring contravention of the legislation on vocational equality, namely equal pay for equal work. The figures are as follows:

Trends in average annual salaries
(in current francs)

	1950	1976	1988	1991
Managerial staff	7 886	54 559	214 000	214 000
Technical staff	4 025	26 657	118 300	130 600
Employees	2 814	13 880	80 300	86 500
Skilled workers	2 369	12 855	81 400	91 300
TOTAL				
Men	2 910	17 782	110 800	115 200
Women	2 033	11 855	84 100	96 500
Average	2 728	16 046	101 200	126 500

The political and administrative system

7. France is an indivisible secular democratic and social Republic. Its Constitution, that of the Fifth Republic, dates from 4 October 1958. It solemnly proclaims the equality of all men and women before the law and incorporates, in particular, the preamble to the 1946 Constitution stating that "the law guarantees women equal rights to those of men in all domains".

8. Executive power is vested in the President of the Republic, elected for a seven-year term by direct universal suffrage, and by the Prime Minister, who is Head of the Government and is appointed by the President.

9. The Parliament is composed of two assemblies invested with legislative power: The National Assembly with 577 deputies elected every five years by direct universal suffrage and the Senate with 321 senators elected for nine years by indirect universal suffrage.

10. French law is promulgated through legislative or regulatory channels on the basis of machinery established by the Constitution. The constitutionality of laws is verified by the Constitutional Council.

11. Enforcement of the law falls within the jurisdiction of two types of authority:

- The judicial authorities are competent in all conflicts covered by civil law between private persons or between private persons and public bodies. It is made up of various courts of the first instance, appeal courts and the Court of Cassation.

- The administrative authorities are competent in matters of litigation between private persons and public bodies enjoying the prerogatives of public power or providing an administrative public service. They consist of administrative courts, administrative courts of appeal and - at the top of the hierarchy of administrative jurisdiction - the Council of State.

II. TRENDS IN LAW AND THE PROTECTION OF WOMEN'S RIGHTS

1804: The Civil Code sanctions the total legal incapacity of the married woman.

1810: Adultery is a punishable offence. Women committing adultery are liable to imprisonment and men to a fine, but only if they have a mistress living in the marital home. "Conjugal rights" are a duty: there is no such thing as rape within marriage.

1832: Rape is recognized as a crime, but only in a restricted sense.

1838: Foundation of the first training college for women teachers.

1850: The Falloux Act makes it compulsory to establish a girls' school in every commune with more than 800 inhabitants.

1880: Opening of secondary public education to girls (Camille SEE Law) with a school-leaving certificate not equivalent to the Baccalaureat.

1881: A married woman may open a savings account without her husband's authorization.
Establishment of the Sèvres higher vocational school (Ecole Normale Supérieure) for training women teachers to teach girls at secondary level.

1881-1882: Lois Jules FERRY establishes compulsory secular public education at primary level for girls as well as boys.

1892: Prohibition of night work for women and introduction of other protective measures relating to female employment.

1897: Women may act as witnesses for certificates of civil status and notarial deeds.

1898: Women may give evidence in commercial courts. The working day of women in workshops is reduced to 10 hours.

1900: Women have the right to work as barristers.

1907: Working married women may dispose of their earnings as they see fit.
Women win the vote and are eligible to stand for election to industrial tribunals.

1909: Introduction of a law instituting maternity leave of eight weeks without suspension of the work contract.

1912: Establishment in Cachan of a coeducational higher vocational school for technical training.

1920: Women may join a trade union without their husband's permission.

1923: Abortion is made a punishable offence.

1924: School curricula at secondary level are made identical for boys and girls with the result that the Baccalaureat for girls (instituted in 1919) acquires equivalent status to that for boys.

1925: Establishment of the Ecole Polytechnique (polytechnic university) for women.

1927: The principle of equal pay for male and female teachers possessing equal qualifications is established in law. Women retain their former nationality when they marry and may pass on French nationality to children born in France.

1928: General adoption of maternity leave of two months on full pay in the Civil Service.

1936: For the first time - and at a time when they are still not qualified to stand for election - three women are appointed to posts as Under-Secretaries of State in the Blum Government (Scientific Research: Irène Joliot-Curie; National Education: Suzanne Brunzwig; Children's Affairs: Suzanne Lacore).

1938: Marital power is abolished (a wife is no longer obliged to obey her husband). However, the husband may still determine their place of residence and oppose the pursuit of a profession by his wife. Fathers also continue to enjoy sole parental authority.
The administration of common property depends on the marriage contract: it is narrower in relation to the community of property than to its separation.

1945: Women win the right to vote and to stand for election. Establishment of the coeducational National College of Administration (Ecole Nationale d'Administration).

1946: The preamble to the Constitution sets forth the principle of equal rights for men and women in all domains.

1947: The first woman to serve as a government minister (in the Schumann Government) is Mme. Poinso-Chapuis, Minister of Public Health.

1964: Establishment of the National Higher College of Agriculture for Women in Rennes.

1965: Reform of matrimonial legislation: under the laws governing the community of property a wife may administer her own property. The husband, however, remains sole administrator of common marital property.
The husband may no longer oppose the pursuit of a profession by his wife.

1966: Women with a family are entitled to continuing vocational training.

1967: Neuwirth Law: contraception is legalized. Publicity on the subject, prohibited under the 1920 Law, is still not permitted outside medical journals.

1970: "Paternal authority" is replaced by "parental authority". Husband and wife are jointly responsible for the moral guidance and material care of the family. The concept of "head of the family" is eliminated.
Parental authority is exercised by the natural mother of a child even where both parents have acknowledged it as their child.

1972: Equal rights for legitimate and natural children. A married woman may contest the husband's paternity and call a child by her name at birth.
The principle of equal pay for men and women for equal work is accepted.
The Ecole Polytechnique (Polytechnic University) becomes coeducational.

1973: Standardization of the regulations governing the transmission of nationality: both mother and father may pass on their nationality to their children.

1974: Establishment of the Secretariat for Women's Affairs. Reimbursement of contraception costs by the social security system.

1975: Legislation is introduced to permit the voluntary termination of pregnancy and to prohibit discrimination in recruitment on the grounds of sex without a valid reason.
Law prohibiting any distinction in the treatment of men and women in the Civil Service with exceptions (cases where, for example, separate recruitment is possible).
Law attaching penalties to discrimination based on sex (in the provision of services, etc.)
Divorce by mutual consent is instituted.
Spouses decide on their domicile together and may even opt to have two different domiciles.
Law making coeducation compulsory in all public educational establishments.

1977: Introduction of parental education leave.

1978: The Air Force College (Ecole de L'Air) becomes coeducational.

1979: The prohibition of night work in industry is abolished for women in managerial posts or responsible technical posts.
The 1975 Law on abortion is given final approval.

1980: Prohibition of dismissal of pregnant women.
Status of collaborating spouse granted to the wives of artisans and traders.
Measures aimed at recognizing the occupational activity of farmers' wives (administrative acts, maternity leave).
Wider and more precise definition of rape.
The relevant associations may bring a civil action in cases of sexual violence.

1981: Establishment of the Ministry of Women's Rights.

1982: Reimbursement of the costs of voluntary termination of pregnancy through the social security system.
Status of collaborating spouse granted to the wives of artisans and traders working in family businesses.
Introduction of paid maternity leave for all self-employed women.
Law on Equality of Access to Public Office.

1983: Law on professional equality between men and women: prohibition of all discrimination in employment on grounds of sex: introduction of vocational equality programmes in enterprises, including repayment schemes for women and a mandatory annual report on vocational equality in enterprises with over 50 employees.
Two signatures required on income returns.
The notion of head of household is abolished in tax law.

France ratifies the International Convention on the Elimination of All Forms of Discrimination against Women (New York Convention, 1980)
The Saint Cyr Coëtquidan College becomes coeducational.

1984: The recovery of unpaid maintenance through family allowance funds and other bodies responsible for paying family benefits is made possible. Husbands and wives have equal rights in the administration of family property and the property of children.

1985: The signatures of both husband and wife are required on income returns.
The notion of head of household is eliminated in tax law.
Husbands and wives have equal rights in the administration of family property and the property of children.
The name of the other parent (generally the mother) can be added to the child's surname.
Penalties are introduced for discrimination on the grounds of sex tending to obstruct economic activity.
Legislation is introduced enabling the relevant associations to bring a civil action in cases of discrimination on the grounds of sex.
Introduction of a law governing limited-liability sole trader enterprises (EURL) and limited-liability farming (EARL) permitting a husband and wife, as sole partners, to form a company.

1987: Elimination of restrictions on night work by women and of various provisions specific to female work.
Institution of social status for spouses of persons engaged in a liberal profession.
Parental authority may continue to be exercised by both the mother and father after the separation decision.
Parental authority may be exercised over a natural child by both parents if they make the relevant declaration.

1988: New social advantages for mothers of families under Section V of the Social Security Law of 5 January 1988, concerning the "social status of mothers of families".
Law on initial assistance to young farmers.

1989: Law No. 89-487 of 10 July 1989 on the prevention of ill-treatment of minors and the protection of children, under which the time limitation on the institution of legal proceedings in respect of ill-treatment of minors runs from the date of the victim's majority, not from the date of the incident. The victim thus has ten years from the date of majority to bring a legal action (article 16).
The law on the orientation of education of 10 July 1989, which declares that "Education is the first national priority ... the schools, colleges, lycées and institutions of higher education ... contribute to the promotion of equality between men and women".

1990: Law No. 90-602 of 12 July 1990, Article 12 of which opens the way for associations combating violence within the family to bring civil actions.

1991: Law of 31 December 1991 concerning social insurance contributions from farmers, Article 12 of which establishes an early retirement

system for farm households under which the members of the household can opt for an equal division of retirement benefits, which up until 1991 fell entirely to the spouse who was in charge of the operation. This measure could well be of interest to women in farming who have not chosen the status of cooperator.
Law of 18 January 1991 authorizing, in certain circumstances, advertising for condoms and certain other contraceptives.

1992: Reform of the Criminal Code, notably Law No. 92-684 of 22 July 1992, which amends the provisions of the Criminal Code concerning the punishment of crimes and offences against persons. In its amended version the Code provides that:

- In cases involving violence, there will be an aggravation of the penalty when "a deliberate attack on the physical integrity of another person is committed by the spouse or concubine of the victim" (articles 222-5 *et seq.*);

- In cases of sexual harassment, the "harassment of another person through orders, threats or coercion uttered or exercised by a person abusing the authority conferred upon him or her by his or her functions with a view to obtaining favours of a sexual kind will be punished by imprisonment and a fine of F 100,000 (articles 22-33).

Law No. 92-1179 of 2 November 1992 on "the abuse of power for sexual purposes in the workplace", which aims to prevent any discriminatory measures a hierarchical superior or an employer might take against a victim of sexual harassment or a salaried employee reporting such harassment.

III. NATIONAL MACHINERY

The State Secretariat for Women's Rights

12. This office has been in existence since June 1988. It continues the work of earlier bodies, although during the years 1986-1988 only one of those remained in existence, namely the so-called Délégation à la Condition féminine (Office of Women's Affairs) attached to the Ministry of Social Affairs.

13. The State Secretariat for Women's Rights is a traditional ministerial body consisting of political staff - the Minister and her immediate associates -, a central administrative office and outside services. It gives expression to the Government's determination to treat the promotion of the status of women as one of its priority objectives.

14. Proceeding from the premise that progess remains to be made in rectifying the inequalities to which women are still subject in social and economic life, and eliminating areas from which they are excluded, the State Secretariat has a dual mission, which is:

- To monitor the application of existing legislation or regulations;

- To propose specific new measures.

In order to fulfil both of these functions the State Secretariat has to "mobilize" other ministerial departments.

15. As far as the needs of governmental coordination permit, the State Secretariat has autonomy in establishing its policies and administering its budget.

16. The State Secretariat has three complementary structures for implementing its decisions: the central administration, the external services and the Higher Council for Vocational Equality.

Central administration

17. The services of the central administration provide it with technical support.

18. They are divided into "offices" according to spheres of activity corresponding to the various functions of the State Secretariat.

19. Thus, there are three sectors in which most of the staff are concentrated:

- The office of employment, training and vocational equality responsible for applying measures and devising schemes relating to initial and continuous training. This office also includes the function of ensuring vocational equality and in addition to the status of the application of the law, also provides the secretariat for the Higher Council for Vocational Equality (between men and women).

- The office of legal rights is responsible for activities concerning the legal side of the social integration of women (civil, criminal and private international law), health and social security matters and certain target segments of the public such as women from immigrant families.

- The office of communication, information and culture provides the external and internal communications of the State Secretariat by means of a monthly journal, pamphlets and brochures.

20. A documentation centre with over 7,000 books, periodicals and studies on women is open to the public (research workers, students) and constitutes the State Secretariat's data bank.

21. World and European affairs are monitored by an international section.

External services

22. This is the area in which the State Secretariat for Women's Rights has a special role to play. In each region, as in each *département* and overseas territory, a regional representative for women's rights is appointed to work alongside the Prefect, her function being to ensure that the existing measures are applied at the local level and to alert regional economic and social partners to measures to promote the status of women.

23. The regional representatives are in charge, for example, of promoting vocational equality schemes on the spot in the private sector. Or again, with respect to initial training, the success of the Scientific and Technical Vocation Scholarship can be attributed to the regional representatives. For some years now they have been directly responsible for the financial management of some of these programmes thanks to a more generalized devolution of funding.

24. Also important are the daily contacts maintained between these representatives and the local women's rights information centres.

25. A second partner acts in support of this network of regional representatives, namely the departmental officers. These women act as a relay at the level of the départements and provide the regional representatives with vital support in their activities.

26. These two networks, maintaining as they do daily contacts with the public, provide an additional guarantee that the central administration does not become divorced from reality.

27. Moreover, interministerial collaboration finds local expression through regional committees made up of the regional representatives of the ministerial departments concerned - for example, those responsible for health, employment and so on.

The Higher Council for Vocational Equality

28. The Higher Council for Vocational Equality between men and women is consulted on draft laws and decrees the purpose of which is to guarantee vocational equality between men and women, and also on documents concerning special working conditions appropriate to one sex or the other. The Council is chaired by the Minister in charge of the ministerial department responsible for women's rights.

29. The Council can engage in studies and research, originate or promote initiatives and make proposals aimed at improving vocational equality between women and men.

30. Every other year the Higher Council receives a report on the status of vocational equality between women and men which mentions, among other things, the follow-up given to opinions and ideas expressed by the Council. The report includes, in particular, a summary of activities related to questions of vocational equality between women and men which are carried out by the National Employment Agency, the National Association for Adult Vocational Training, the National Agency for the Improvement of Working Conditions and the Labour Inspectorate, as well as a record of the work performed in this area by the National Collective Bargaining Commission pursuant to paragraph 8 of Article L.136-2 of the Labour Code.

31. In the light of this report the Council issues a response which is made public.

National Information and Documentation Centre for Women and Families (CNIDFF)

32. The CNIDFF, established in 1972 under a law dating from 1901, performs a public service mission under the authority of the Secretariat of State for Women's Rights. The mission consists in informing the public, and in particular women, on matters of importance in law, employment and daily life.

33. In 1991 the CNIDFF replied to 31,031 requests for information. There were 15,554 telephone calls, 4,787 persons visited the Centre, 3,050 collective information bulletins were sent out, and there were 5,730 responses on the ELLETEL telematic service.

34. The questions raised concerned employment and vocational life (33 per cent), legal matters (27.4 per cent), social legislation (9 per cent) and the establishment of businesses (6.3 per cent).

35. The members of the public received at the House of Information are, to the extent of 86.7 per cent, women, 93 per cent of whom are between the ages of 20 and 50. These people reside primarily in Paris (64 per cent) and Ile-de-France (34 per cent).

36. The CNIDFF has published 54,200 copies of technical documents and 53,383 copies of guides and pamphlets.

37. The Centre has also carried out training activities (involving 356 trainees) and has drawn up 171 vocational profiles. Finally, the Reception and Employment Information Office (BAIE) responded to 4,241 requests for information, 1,188 of which gave rise to substantial interviews.

38. In 1992 the CNIDFF piloted two training projects within the framework of the European Community (the New Opportunities for Women Programme - NOW) with the benefit of co-financing from the European Social Fund.

39. The first of these projects involved the training of 15 women in enterprise creation on the European scale.

40. The objective of the second project was the establishment of a partnership with the aim of promoting the integration of women in economic life; the stimulation of training and public awareness activities; the creation of tools which will make it possible for associations to help implement the project in socially underprivileged milieux; and, finally, activities aimed at enabling the Local Information Centres for Women and Families (CIDF) to act as partners in local development projects.

The Local Information Centres (CIDF)

41. The CIDF network is made up of 117 associations grouped in regional federations with 318 Centres open to the public.

42. In 1991 the CIDF responded to more than 500,000 requests for information concerning legal matters (43 per cent), employment and vocational life (26 per cent) and social legislation (14 per cent).

43. In order to enhance the uniformity of this network and define the relationship between the Centres and the office of the Secretary of State for Women's Rights more clearly, a CIDF charter signed by all associations has been in existence since 1990. This charter defines the objectives of the Centres (free information for women on their rights, liaison with the associations, partnership with administrative bodies, territorial groups and public agencies dealing with matters of concern to women, the launching of innovative schemes and so on) and the relationship of the Centres with the Office of the Secretary of State for Women's Rights and the CNIDFF.

44. Parallel to all this, a National CIDF Approval Council has been created which meets in order to decide on requests for approval emanating from the associations.

45. The establishment of a Centre is normally approved for a period of two years without any particular difficulty, and for one year in the case of certain Centres whose operations have to be brought into line with the criteria laid down by the National Approval Council.

46. Approval and adherence to the CIDF charter has thus become essential for associations which wish to describe themselves as CIDF associations and benefit from the subsidies offered by the Secretariat of State for Women's Rights.

PART TWO

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

SPECIFIC MEASURES

47. The Convention on the Elimination of All Forms of Discrimination against Women of 1 March 1980 was ratified by France in pursuance of the parliamentary authorization of 1 July 1983 (Law No. 83-561) published in the Official Journal on 12 March 1984. It entered into force with regard to France on 13 January 1984.

48. Under article 55 of the 1958 Constitution, duly ratified international conventions stand above the law.

49. Under French law, agreements and treaties have immediate effect, which means that no national legislation or edict is required to render them effective before a court of law. Any person may therefore invoke these international documents before the French courts, whether judicial or administrative.

50. For example, the European Convention on Human Rights is very frequently invoked in French courts and the judges are bound to allow and to apply the remedies specified therein.

51. France has made an interpretative statement regarding CEDAW to make it clear that no provision of the Convention may be interpreted as obstructing provisions of French legislation which are more favourable to women than to men.

52. The following reservations have been made:

The reservation of 22 March 1984 to article 7, pursuant to the law of 20 December 1983 repealing article 10-128 of the Electoral Code, which eliminated the inequality existing between men and women with regard to conditions of eligibility for election for persons having acquired French nationality through marriage.

The reservation of 21 June 1986 to article 16.1 (d) concerning the joint administration of children's property by the mother and father exercising joint parental authority, following the entry into force of the law of 23 December 1985 on the equality of the spouses in matrimony and of parents in the administration of the property of children who have come of age.

The reservations of 21 July 1986 to articles 15.2 and 15.3 and 16.1 (c) and (h) as a result of the entry into force of the above-mentioned law of 23 December 1985 on equality in matrimony and the administration of the property of children who are minors.

53. The only outstanding reservations at present are the following:

- Technical reservations concerning articles 14.2 (c) and 14.2 (h) on women in rural areas;

- The joint reservation to article 16.1 (d) and article 5 (b) concerning the joint exercise of parental authority;
- The reservation to article 16.1 (g) concerning the choice of surname;
- Finally, the reservation to article 29 of the Convention, which concerns the problem of the purely diplomatic right to choose the means of settling disputes in the application and interpretation of the Convention.

54. It should be noted that the study of this Convention is included in the curriculum of civic instruction courses in colleges and lycées.

55. Having been duly ratified, the Convention belongs to French substantive law, any person being able to have recourse to it in a court of law in the same way as the national legislative and regulatory provisions which will now be considered in detail with respect to each article of the Convention.

ARTICLES 1-3

(Promotion of women)

Article 1

56. **For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.**

Article 2

57. **The States parties condemn discrimination against women in all its forms, agree to pursue, by all appropriate means and without delay, a policy of eliminating discrimination against women and, to this end, undertake:**

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation, if not yet incorporated and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

Article 3

58. **The States parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.**

* * *

59. The Constitution of the French Republic of 4 October 1958 includes in its preamble, which is recognized as having constitutional status, the declaration of human and citizens' rights of 26 August 1789 and the preamble to the preceding Constitution of 27 October 1946. The latter affirms that "(...) the French people once again proclaim that all human beings, without distinction of race, religion or belief, possess individual and sacred rights", and that "the law guarantees women rights equal to those of men in all fields".

60. Article 2 of the 1958 Constitution declares that "France is an indivisible, secular, democratic and social Republic. It ensures the equality of all citizens before the law without distinction of origin, race or religion."

61. In this manner, the Constitution enshrines the principle of non-discrimination against women.

Legislation

62. The will to eliminate all forms of discrimination against women is clearly affirmed in French law.

63. Let us first consider the criminal law. Specific provisions have been incorporated in the Penal Code which attach penal sanctions to discriminatory behaviour towards women on the part of either private persons or representatives of the State.

64. Two laws have made it possible to extend the penalties provided under the Penal Code for discriminatory actions to cases of discrimination based on sex and family status. These are Law No. 75-625 of 11 July 1975 and Law No. 85-772 of 25 July 1985, which incorporated considerations of sex and family status in articles 187-1, 187-2, 416 and 416-1 of the Penal Code. The latter law, moreover, created in the Penal Procedures Code an article 2-6 giving associations which have been duly registered for at least five years and which indicate in their statutes that one of their aims is to fight discrimination based on sex, the right to bring civil actions.

65. Articles 187-1 and 187-2 of the Penal Code (in the form laid down by Law No. 90-602 of 12 July 1990), concerning representatives of the State, are worded as follows:

> Art. 187-1. Any depository of public power or citizen entrusted with responsibility for public service who, by reason of a person's origin, sex, customs, family situation, state of health, handicap or membership of a particular ethnic group, nation, race or religion, knowingly refuses that person the benefit of a right which he is entitled to claim shall be liable to a term of imprisonment of two months to two years and a fine of F 3,000 to F 40,000, or to one of the two penalties.
>
> The same penalties apply in cases where such acts are committed in respect of a legal entity or its members by reason of their origin, sex, customs, family situation, state of health, handicap or the membership or non-membership of all or some of these members of a particular ethnic group, nation, race or religion.
>
> Art. 187-2. The penalties set forth in article 187-1 also apply to any depository of public power or citizen entrusted with responsibility for public service who, by his action or its omission, is instrumental in obstructing the exercise of any economic activity whatsoever under normal conditions:
>
> 1. By any physical person by reason of his family situation, his state of health, handicap, national origin, sex, habits or membership or non-membership, whether real or presumed, of a particular ethnic group, race or religion;
>
> 2. By any legal entity by reason of the family situation, state of health, handicap, national origin, sex, habits, membership or non-membership, whether real or presumed, of a particular ethnic group, race or religion of all or some of its members.

66. Articles 416 and 416-1 of the Penal Code, concerning the provision of goods or services, are worded as follows:

> Art. 416. The following shall be liable to a term of imprisonment of two months to one year and a fine of F 2,000 to F 20,000, or to one of these two penalties:

> 1. Any person providing or offering to provide a good or a service who, unless there is legitimate reason - this exception not being applicable to racial discrimination - refuses either himself or through his agent, to give it for reasons of the origin of the person requiring it, his sex, habits, family situation, handicap or membership or non-membership of a specific ethnic group, nation, race or religion, or who makes his offer conditional on the origin, sex, habits, family situation, membership or non-membership of a particular ethnic group, nation, race or religion;
>
> 2. Any person who, under the conditions set forth in (1), refuses a good or service to a corporate body or one of its members for reasons of the origin, sex, habits, family situation, handicap, membership or non-membership of all or some of its members of a particular ethnic group, nation, race or religion;
>
> 3. Any person who in the exercise of his occupation or duties employs, on his own behalf or on behalf of another, one or more employees and who refuses to employ or dismisses a person by reason his origin, sex, habits, family situation, membership or non-membership of a particular ethnic group, nation, race or religion, or who makes an offer of employment conditioned by a person's origin, sex, habits, family situation, membership or non-membership of a particular ethnic group, nation, race or religion.
>
> In so far as the provisions of the above paragraph concern sex, they apply, as appropriate, under the prescribed conditions either to article L.123-1 of the Labour Code or to articles 7 and 18 bis of amended Decree No. 59-244 of 4 February 1959, as well as to article L.411-14 of the Communes Code.
>
> At the expense of the person sentenced, the court may order the verdict to be posted under the conditions set out in article 51 and included, in whole or in part, in publications indicated by the court, provided that the costs do not exceed the maximum for the fine incurred.
>
> Art. 416-1 The penalties set forth in article 416 are also applicable to any person who, by his action or its omission, is instrumental in obstructing the exercise of any economic activity whatsoever under normal conditions:
>
> 1. By any physical person by reason of his family situation, national origin, sex, habits, membership or non-membership, whether real or presumed, of a particular ethnic group, race or religion;
>
> 2. By a corporate body by reason of the family situation, national origin, sex, customs, membership or non-membership, whether real or presumed, of a particular ethnic group, race or religion of all or some of its members.

67. Article 2-6 of the Penal Procedures Code, under which associations may bring civil actions to combat discrimination against women, is worded as follows:

> Art. 2-6. Any association properly registered as such for a period of no less than five years at the date of the act, whose intention to combat discrimination based on sex or habits is enshrined in its articles may exercise the rights of a party to a civil action with regard to the violations covered by articles 187-1, 187-2, paragraphs 1 and 2 of article 416 and article 416-1 of the Penal Code, and those relating to refusal to employ, dismissal or an offer of employment as defined by paragraph 3 of article 416 of the Penal Code and article L.123-1 of the Labour Code.

68. Law No. 82-684 of 22 July 1992, which introduces certain reforms in the provisions of the Penal Code concerning the punishment of crimes and offences against persons, incorporates in articles 225-1 and 225-4 the provisions on discrimination.

69. This law gives us, in the first place, a definition of discrimination (art. 225-1):

> Art. 225-1. Any distinction made between physical persons by reason of their origin, sex, family situation, state of health, handicap, customs, political opinions, union activities or membership or non-membership, whether real or presumed, of a particular ethnic group, nation, race or religion shall be held to constitute discrimination.
>
> Similarly, any distinction made between legal entities by reason of the origin, sex, family situation, state of health, handicap, customs, political opinions, union activities or membership or non-membership, whether real or presumed, of a particular ethnic group, nation, race or religion of all or some of their members shall also be held to constitute discrimination.

The law then specifies the sanctions that may be applied.

70. For physical persons (art. 225-2):

> Art. 225-2. Discrimination as defined in article 225-1, practised against a physical person or a legal entity, shall be punished by two years imprisonment or a fine of F 200,000 when the offence consists in:
>
> 1. Refusal to provide a good or service;
>
> 2. Interference with the normal exercise of any economic activity;
>
> 3. Refusal to hire, sanction or discharge a person;
>
> 4. Making the provision of a good or service subject to a condition based on one of the elements referred to in article 225-1;
>
> 5. Making an offer of employment subject to a condition based on one of the elements referred to in article 225-1.

71. For legal entities (art. 225-4):

> Art. 225-4. Legal entities can be held responsible under the Penal Code in the circumstances referred to in article 121-1 for the offences defined in article 225-2. The penalties to which legal entities are subject are as follows:
>
> 1. A fine imposed in the manner specified in article 131-38;
>
> 2. The penalties referred to in paragraphs 2, 3, 4, 5, 8 and 9 of article 131-39.
>
> The prohibition referred to in paragraph 2 of article 131-34 concerns the activity in the exercise of which, or on the occasion of the exercise of which, the offence was committed.

72. The law likewise defines the exceptions (article 225-3):

> Art. 225-3. The provisions of the foregoing article shall not be applicable:
>
> 1. To instances of discrimination based on the state of a person's health, when the discrimination in question consists in a refusal to employ or a decision to discharge that person owing to medically attested inability, within the meaning of Section IV, Book II of the Labour Code or of the laws which lay down statutory provisions relating to public office, to satisfy the basic conditions for the performance of the job or professional activity.

73. With regard to sex, only a few professions for which belonging to one sex or the other actually constitutes one of the main requirements of the work - models, for example, or actresses - are exempted from the rigorous application of these principles.

74. Numerous provisions of a more specific nature also exist:

- In the vocational sphere

75. In the public sector, Law No. 83-634 of 13 July 1983 governing the rights and obligations of public servants states that "no distinction may be made between public servants on the grounds of their political, union, philosophical or religious opinions, their sex or their ethnic origin" (art. 6).

76. In the private sector, Law No. 83-635 of 13 July 1983 is entirely devoted to the question of vocational equality.

- In the educational sphere

77. The law governing educational policy of 10 July 1989, which establishes the policy to be implemented in the coming years, states that "schools, colleges, *lycées* and higher educational establishments are entrusted with the task of transmitting and instilling knowledge and working methods. They help to promote equality between men and women".

78. Other examples can also be found and will be considered in relation to each article of the Convention.

79. Let us note, finally, that non-discrimination against women is a corollary of the principle of equality; it is a general principle of law which may be applied within administrative jurisdiction even where no specific text exists, and on which the rulings of judges and magistrates are based.

ARTICLE 4

(Temporary measures to accelerate equality between men and women)

80. **1. Adoption by States parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.**

2. Adoption by States parties of special measures, including those contained in this Convention aimed at protecting maternity, shall not be considered discriminatory.

* * *

81. The concept of positive discrimination has inspired measures for "making good" (rattrapage).

82. The sphere of employment is the most significant in this regard.

83. The law of 13 July 1983, the so-called vocational equality law, has provided for this possibility which is henceforth set forth in article L.123-3 of the Labour Code:

84.
> "The provisions of articles L.123-1 and L.123-2 (prohibiting sexual discrimination in the vocational sphere) do not interfere with the adoption of temporary measures taken for the sole benefit of women with a view to establishing equality of opportunity between men and women, in particular by rectifying de facto inequalities prejudicing women's opportunities."

85. Three "devices" for making good deserve particular attention: plans for vocational equality; vocational equality contracts and mixed job contracts.

Plans for vocational equality

86. Governed by article L.123-4 of the Labour Code, these plans were introduced by the law of 13 July 1983 for the purpose of implementing measures to ensure the equality between men and women provided for in article L.123-3.

87. Negotiated between the social partners of an enterprise (the employer and the trade unions), the plans are supposed to initiate specific measures to rectify situations of inequality recorded in the annual report on comparative employment situations in the enterprise.

88. The action taken under the plan may cover the following: the preferential recruitment of women, priority training for women or changes in part of the organization of labour and jobs allowing women access to posts from which, traditionally, they would not occupy.

89. The plans can thus be used to transform personnel management practices whose effects are unfair for women.

90. Since 1983, 28 plans for vocational equality have been approved.

91. Two major research projects have been carried out on the functioning of the mechanisms established to bring about vocational equality in France. The first of these bears the title "Employment in the Feminine Gender: Towards a method of ensuring sexual equality in vocational life", by Mme. Ghislaine Toutain. Following this report, a practical guide on the question of sexual equality in vocational life is being prepared for the benefit of enterprises, with a view to stimulating action that will in fact bring about equality of opportunity for the two sexes in the professional sphere.

92. Furthermore, Mme. Jacqueline Laufer, professor with the HEC group and an expert employed by the Commission of the European Communities in the Positive Action network, has undertaken research financed by the Ministry of Research and Higher Education (under the Technology-Work Mobilization Programme) on the implementation of plans for vocational equality. Her work, which appeared under the title "The Firm and Equality of Opportunity: What is at stake and what needs to be done", analyses how the objective of sexual equality can be effectively matched to the social development policies of companies. It is addressed first and foremost to the social agents concerned with implementing vocational equality. It should be noted that, in order to make this research work known to the public and the social workers for whom it is intended, the two titles mentioned above have been issued in the "Rights of Women" series of the Documentation Française.

93. Organized by the Office of the Secretary of State for Women's Rights, the Ile-de-France Enterprise Network provides a forum for the exchange of ideas and offers the management of firms an opportunity to enrich their experience in matters related to vocational equality. It mobilizes the means for action and the competence needed to stimulate the growth of professional opportunities for women and the diversification of their employment through qualification programmes within the firms themselves.

94. In March 1992 the Office of the Secretary of State for Women's Rights defined a new "action logic" to promote the policy of change in the workplace; this was explained by the Minister for Labour, Employment and Professional Training to the Council of Ministers on 27 November 1991. Mixed employment is certain to contribute to the economic and social project which the "Change the Workplace" mechanism is trying to promote. The incorporation of job opportunities for women as part of the "Change the Workplace" programme has been reflected in a variety of measures:

- The implementation, in each region, of medium-term action programmes aimed at bringing about mixed employment, focusing on selected professions and sectors of activity which are important in terms of the evolution of qualifications and the growth of women's employment;
- The establishment, on 10 March 1992, of a working group composed of company leaders, human resources directors, sociologists and administrative representatives, whose task is to prepare a practical guide on the subject of equality in the employment of men and women within firms. The results of the work done by this group should make it possible, perhaps even before the end of this year, to obtain a better understanding of the mechanisms offered by the law and to improve their use.

Contracts for vocational equality

95. These contracts are a direct result of the plans examined above.

96. The training, promotion and labour organization activities conducted in connection with the plans for equality are eligible for financial assistance from the State.

97. Thus, measures aimed at significantly improving the position of women in the enterprise in terms of their level of qualification and their posts can take the form of a contract between the State and the employer.

98. The contract must stipulate the commitments undertaken by the enterprise as well as modalities for verifying that these commitments are honoured.

99. State assistance may amount to:

- 50 per cent of the cost of training,
- 50 per cent of other costs incurred in implementing the plan,
- 30 per cent of the total salaries paid to employees during the period assigned to training.

Mixed employment contracts

100. These contracts were introduced experimentally by the public authorities in 1987. They apply to enterprises with 600 salaried employees or less (previously the number was 200). The purpose of the contracts is to promote job diversification for women and to encourage their appointment to jobs and occupations where they have hitherto not been strongly represented. The contracts are entirely individualized: each one concerns a woman who is designated by name. However, a number of contracts can be signed in a single enterprise.

101. The contract provides for financial aid to the employer to facilitate the recruitment, transfer between jobs or promotion of a woman in the enterprise. It is a tripartite contract, signed by the State, the employer and the woman concerned. The types of action taken by the enterprise for which it can receive assistance under the contract include training, but aid can also be provided for material fittings for

workplaces, premises and so on. Quite often it is the conditions of work which prevent women from gaining access to workplaces held by men, and this assistance can help to remove such obstacles.

102. In 1987 about 50 contracts of this kind were concluded; in 1988 the number doubled, and in 1989, a total of 146 contracts were signed. There were 148 contracts in 1990 and 136 in 1991.

103. The mixed employment contracts have been well received in the labour world, and enterprises are attracted by the pragmatic nature of the approach to vocational equality.

104. The mixed employment contracts have provided a starting point for introducing new ideas and rethinking strategy in small-scale enterprises, which have seized this opportunity to inject greater dynamism into their personnel management, especially in the field of training.

105. The mixed employment contracts have, in fact, encouraged small-scale enterprises to give greater thought to the question of recruiting staff of both sexes and giving women more consideration in personnel training strategies.

106. In the longer term, this approach encourages some enterprises to formulate genuine vocational equality policies with an eye to the approval of a plan for vocational equality.

107. Out of the 136 contracts concluded in 1991:

- 84 resulted in promotions, and

- 57 resulted in appointments.

108. Mixed employment agreements have thus genuinely allowed women with few qualifications to gain access to higher-level posts demanding broader abilities and entailing a real sense of responsibility at the production level.

109. In addition to these three measures resulting from the law of 13 July 1983, a further provision for "making good" has been introduced.

110. The law of 2 August 1989 provides for compulsory negotiation in the vocational branches.

111. Such negotiations must relate to measures aimed at vocational equality and "making good" measures aimed at rectifying the inequalities identified. Negotiation relates to the following:

- Conditions of access to employment, training and promotion,

- Working and employment conditions.

112. *These provisions in favour of women cannot acquire permanent status.* article L.123-2 of the Labour Code provides that "no clause reserving

the benefit of any measure for one or more employees on the grounds of sex may, under penalty of nullity, be included in a collective bargain, collective agreement or work contract".

113. The only exceptions foreseen concern measures relating to pregnancy and maternity.

ARTICLE 5

(Elimination of stereotypes)

114. **States parties shall take all appropriate measures:**

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

115. (Reservation of France:

The Government of the French Republic states that article 5 (b) and article 16.1 (d) of the Convention should not be interpreted as implying the joint exercise of parental authority in situations where French legislation recognizes one parent only as having such authority.)

* * *

116. With regard to article 5 (a), the modification of patterns and models of male and female socio-cultural behaviour is an abiding and fundamental concern of the French Government.

117. Voluntaristic policies may well still be necessary in a great many areas in order to promote the status of women in French society. The initiatives taken, however, will not be completely successful unless efforts are made at the same time to increase the awareness of individuals, both men and women. This will be the hardest task of all and the most time-consuming.

118. Government structures successively entrusted with women's rights issues have undertaken several such initiatives in recent years.

Educational initiatives

119. By way of illustration, since 1984 specific measures to combat sexism in school textbooks and teaching practices have been introduced by the Ministry of National Education. At both the national and regional levels committees have been established to select school textbooks and

recast the sexist images presented in some books. The all too frequent "Daddy is reading, mummy is sewing" has now disappeared. Since 1987 college curricula include - with the highest official support - the study of women's rights and their role in society and history (cf. Annex to BOEN, special issue No. 4, 30 July 1987).

120. During the same period information and improved awareness courses on efforts to combat sexism have been held in teachers' colleges.

121. In addition, in order to promote a more thorough examination of this whole area, posts in feminist studies have been established at a number of universities (Rennes, Paris VII and Toulouse II).

122. Since one of the main factors influencing an adult's perception of the world in which he lives - and therefore of the social roles of the two sexes - is the way in which our society is presented to him during his childhood, it would seem essential to modify the school curricula.

Women and the media

123. Not so very long ago women were still presented chiefly in relation to their families. Nowadays this stereotyped image is counterbalanced by numerous articles or television programmes showing women in a multiplicity of roles, more especially in the economic and cultural spheres.

124. It is true that this applies chiefly to the so-called "feminine" press, although progress has been made in other publications, too.

1. Audio-visual media

125. The position occupied by women in the audio-visual media has contributed to this change.

126. A great many women journalists are now presenting current affairs programmes, which are television's most prestigious programmes, especially political ones. Others are responsible for production units.

127. France leads Europe with regard to the number of women occupying top jobs in the television administration (30 per cent of the management posts of the public television channels are filled by women).

2. Advertising

128. The image of women presented in advertising has also developed over the past few years.

129. Indeed, commercials are beginning to feature men and boys doing housework or looking after children. Advertising has also started to reflect changes in social patterns and to include, for example, women working abroad and so forth.

130. Alongside this greater awareness on the part of advertising professionals, it should be noted that advertising has an obligation to respect the dignity of women.

131. Moreover, the Office for the Monitoring of Advertising (Bureau de vérification de la publicité), which is a body made up of professionals, ensures that this principle is respected by issuing the following recommendations:

> "Advertising must respect the dignity of women. It must avoid:
>
> - Any direct or indirect denigration of women;
> - Any text or image liable to further contempt and ridicule of women or to discredit them;
> - Any abusive or regular use of women in advertising for products or services consumed or utilized by men and women alike.
>
> Women must not serve as an object of publicity, especially when the image of women presented bears some relationship to the use of the product or service being advertised.
>
> Advertising should not suggest any natural inferiority or subordination, even if widely accepted, of women to men or reduce their role to one of maintaining the home and performing purely domestic tasks, thereby disregarding their capabilities and aspirations."

3. Higher council for the audio-visual media

132. The Higher Council for the Audio-Visual Media is an independent expert body set up to ensure the maintenance of ethical standards in the media and the proper application of the specifications governing the operation of television channels.

133. One of these experts, a woman journalist, has special responsibility for the topic "Women in the media".

(b) Parental authority

134. In 1970 the concept of head of household was eliminated and paternal power was replaced by parental authority. The notion of parental authority denotes all the rights and duties assigned by law to the mother and father over the person and property of their children as long as they remain minors.

135. Volume I, Section IX of the Civil Code deals with "parental authority", which is defined in article 371-2:

> Art. 371-2: The father and mother shall have the authority to protect the child with a view to ensuring safety, health and morals. They have the right and the duty to exercise guardianship and supervision and to provide education.

136. For families in which the parents are married, the Code provides explicitly that:

> Art. 372: During the marriage, the father and mother shall exercise their authority jointly.

137. The law of 22 July 1987 affirms the possibility of the joint exercise of parental authority:

- For married parents, even after divorce or separation;

- For non-married parents, with respect to a natural child or natural children.

138. Draft legislation which would modify these provisions is at present being discussed in Parliament. The draft law in question is described as a "law amending the Civil Code in relation to civil status, the family and the rights of children, and granting the judge a role in family affairs".

139. The provisions adopted at first reading by the deputies aim to promote the joint exercise of parental authority. It is recalled that parental authority is exercised jointly within marriage. The new draft affirms the principle of joint exercise in the case of divorced parents as well, and also defines the scope of the principle within the framework of the natural family, stating that parental authority is to be exercised jointly if both parents recognize the natural child "before it has reached the age of six months".

Natural children

140. In the natural family, parental authority is exercised by the mother or by the father if only the latter has recognized (acknowledged parenthood of) the child. Law No. 87-570 of 22 July 1987 permits joint exercise of parental authority on the basis of a simple joint declaration by the two parents before the judge of guardianship.

142. The increase in the number of children born out of wedlock and the growth in the number of natural families being established - more often than not the partners bring up their children together - explain why the joint exercise of parental authority in natural families has evolved and been taken into account by the law.

Divorce

143. Where parents are divorced or separated, parental authority is exercised either jointly by both parents or by the parent on whom such authority is conferred by the court (art. 373-2 of the Civil Code).

144. In 1988 about 104,000 divorces were granted, the annual rate of divorce being around 30 per cent. On 1 January 1986, minor children of divorced parents numbered more than a million.

145. In 1988, the first year in which the law on the exercise of parental authority was applied, 18 per cent of couples continued to exercise joint parental authority after breaking up.

146. In the event that parental authority is not exercised jointly, it falls in the vast majority of cases to the mother (70 to 78 per cent), whatever the terms of the divorce.

147. Almost 90 per cent of the minor children of divorced parents live with their mother. The rest live either with their father or with other families. It should be noted that, while mothers are more often than not granted guardianship of their children, only a minority of fathers apply for it.

ARTICLE 6

(Prostitution and traffic in women)

148. **States parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.**

* * *

149. In harmony with the spirit of the abolitionist terms of the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Other Persons of 2 December 1949, ratified by France on 28 July 1960, there is virtually no regulation of prostitution, while procuring is subject to very severe penalties.

150. Article 6 of the 1949 Convention provides that no discriminatory or special regulatory measure may be taken against persons engaging in prostitution.

160. Thus, prostitution is not subject to any constraints, with the exception of the provisions of articles R34.13 and R40.11 of the Penal Code, which attach penalties to soliciting in public places.

161. Prostitution is a problem beyond the control of the police, who are not capable of doing much more than limiting its extent or making it less conspicuous and therefore less offensive to the public's sense of propriety.

162. The abolitionist terms of the 1949 Convention none the less coincided with a considerable increase in procuring: at present in France 99 per cent of prostitutes are subject to some form of procuring or constraint.

163. In response to this development, for several decades now, even before article 6 of the Convention for the Elimination of All Forms of Discrimination against Women obliged it to take such action, France has been particularly active in its efforts to combat procuring.

164. French legislation in this area is extremely comprehensive and demonstrates the will to deal with the problem effectively by providing the police and the judiciary with the necessary means of intervention.

165. In this spirit, articles 334 and 335 of the Penal Code have been amplified by the law of 11 July 1975, especially with respect to indirect procuring, and by that of 2 February 1981, which provides for an appreciable increase in the amount of the fines imposed. The law of 9 September 1986 (article 266 of the Penal Code) made association or

conspiracy with intent to commit the crime of procuring a punishable offence, thus further extending the field of application of repressive measures.

166. Substantial police forces have been assigned to the efforts to combat procuring.

167. The Criminal Police Department has three units specializing exclusively in the control of procuring. These are the Central Office for the Control and Suppression of Traffick in Persons, the Anti-Procuring Branch under the Regional Directorate of the Paris Criminal Police Department (DRPJ), and the Anti-Procuring Branch of the Criminal Police Regional Service (SRPJ) in Marseilles, the total number of officers being 105.

168. Moreover, the control of procuring is one of the tasks assigned to the Banditry Control Squads of the SRPJ and the Public Place Squads run by the Paris Criminal Police Divisions. Depending on local needs, 32 officers in the provinces and 30 in the Paris region currently have special duties in this area.

169. As far as public safety is concerned, there are at present 81 officers specialized in this field within the Social Welfare and Protection Services (SPPS) (formerly known as "vice squads") run by the criminal investigation departments of major towns and cities.

170. A total of 248 officers within the national police force are therefore engaged in the control of procuring as their main responsibility, it being understood that any inspector or investigator assigned to the SRPJ or urban criminal investigation departments may be called upon to assist in this work.

171. The National Constabulary (Gendarmerie Nationale), which comes under the authority of the Ministry of Defence, does not have any specialized units for the control of procuring. However, all the officers of the Provincial Constabulary (Gendarmerie Départementale) assist in gathering relevant information and important matters are handled by the personnel of the specialized units (research sections or teams).

172. The control of "trafficking in women" by procurers is also a major concern.

173. International cooperation, in particular with the Federal Republic of Germany, has brought some successes, including the breaking up of transnational networks.

174. The French Government is campaigning against the exploitation of female prostitution, in particular through measures to support the social reintegration of prostitutes.

175. It is engaged in two types of action:

- The provision of substantial financial support in the form of subsidies to associations set up to inform, support and shelter women.

- The convening of departmental committees, which are bodies bringing together the associations, the relevant ministries (the Ministries of the Interior, National Education and Women's Rights), the National Employment Agency (ANPE), local representatives, etc.

176. The purpose of these committees is to establish the facts relevant to the specific problems encountered in each Département; to analyse the means used in response to the identified needs and, within the framework of social action aimed at assisting population groups in difficulty, to introduce measures to encourage the social reintegration of prostitutes or women at risk.

ARTICLE 7

(Political and public life)

177. **States parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:**

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

* * *

Women and political life

178. Women enjoy equal voting rights with men, without any discrimination, in all elections and the right to stand for election to all publicly elected bodies.

179. The order of 21 April 1944 concerning the organization of public authorities in France after the Liberation states: "Women are entitled to vote and to stand for election on the same terms as men."

180. The Constitution of 4 October 1958 states that all adults of French nationality of both sexes enjoying both civic and political rights are entitled to vote (article 3).

181. Furthermore, France has ratified the Convention on the Political Rights of Women of 31 March 1953.

182. However, despite enjoying equal rights with men, women still form a minority within public institutions, as is shown by the following figures:

183. Women constitute 53 per cent of the electorate.

184. In the National Assembly only 33 of the 577 Deputies are women (5.7 per cent). Out of 321 Senators only 11 are women (3.4 per cent).

185. At the local level, women occupy 169 seats out of a total of 1,682 in the Regional Councils and 175 out of 3,805 in the General Councils.

186. Out of a total of 36,547 mayors only 1,998 are women, i.e. 5.4 per cent. The number of mayoresses of major towns and cities, however, has increased.

Women and the local authorities

	Total	Number of women	Percentage of women
Total number of councillors on municipal councils (1990), including:	505 248	86 549	17.13
Communes with up to 3 500 inhabitants	432 450	70 403	16.28
Communes with 3 500-9 000 inhabitants	40 051	8 571	21.40
Communes with 9 000-30 000 inhabitants	22 260	5 120	23
Communes with over 30 000 inhabitants	10 402	2 455	23.6

	Total	Number of women	Percentage of women
Total number of Mayors of Communes,	36 547	1 998	5.4
including Communes with 1 000 inhabitants	28 612	1 653	5.7
1 000 - 5 000 inhabitants	6 275	281	4.4
5 000 - 9 000 inhabitants	759	23	3
9 000 - 30 000 inhabitants	676	36	5.3
30 000 - 120 000 inhabitants	199	7	3.5
120 000 or more	26	1	3.8

187. Finally, in the European Parliament out of a total of 81 elected French representatives, 19 are women, i.e. 23.4 per cent. The average percentage of women elected to this Parliament is 18.5 per cent.

188. Approximately 24 per cent of the departmental staff of Ministers are women, this applying especially to the so-called "heavy" sectors: the economy, foreign affairs, defence, European affairs, road and river transport, employment and wages, etc.

189. This situation is due to the reluctance of the politicians to promote women and also to the fact that women themselves show little interest in political life.

190. This is demonstrated very clearly when considering the percentage of women at the decision-making levels of political parties.

Women at the executive level in political parties

	Total	Number of of women	Percentage of women
PS	27	5	18.5
PC	22	4	18.2
Greens	n/a	n/a	30.0
RPR	33	3	7.6
UDF	15	1	6.6
FN	20	1	5.0

Source: Survey of the political parties by the State Secretariat for Women's Rights.

191. Furthermore, without there being any discrimination in law - and even though a woman occupied the office of Prime Minister in 1990 and 1992 - women's participation in executive bodies in the sphere of national politics is still too low. As at 2 October 1992 the French Government included seven female Ministers:

MINISTER OF THE ENVIRONMENT:
Madame Ségolène ROYAL

MINISTER OF LABOUR, EMPLOYMENT AND VOCATIONAL TRAINING:
Madame Martine AUBRY

MINISTER OF YOUTH AND SPORTS:
Madame Frédérique BREDIN

MINISTERIAL DELEGATE ASSIGNED TO THE MINISTER WITHOUT PORTFOLIO, MINISTRY OF FOREIGN AFFAIRS, IN CHARGE OF EUROPEAN AFFAIRS:
Madame Elisabeth GUIGOU

MINISTERIAL DELEGATE ATTACHED TO THE MINISTRY FOR EQUIPMENT, HOUSING AND TRANSPORT, IN CHARGE OF HOUSING AND AMENITIES:
Madame Marie-Noëlle LIENEMANN

SECRETARY OF STATE ASSIGNED TO THE MINISTER WITHOUT PORTFOLIO, MINISTRY OF FOREIGN AFFAIRS, IN CHARGE OF FRENCH LANGUAGE AFFAIRS AND FOREIGN CULTURAL RELATIONS:
Madame Catherine TASCA

SECRETARY OF STATE ATTACHED TO THE MINISTRY OF ECONOMICS AND FINANCE, IN CHARGE OF WOMEN'S RIGHTS AND CONSUMER AFFAIRS:
Madame Véronique NEIERTZ

192. To improve this situation certain steps have been taken:

- Direct action on the part of the political parties

193. The leaders of the four main political parties in France (Rassemblement pour la Republique [Assembly for the Republic], RPR; the French Communist Party; the Union for French Democracy, UDF; and the Socialist Party) signed in 1989, on the initiative of the Secretary of State for Women's Rights, a declaration designed to modify the *modus operandi* of the political parties, which were in large part responsible for the dearth of women in public life.

- Direct support for women: assistance with training

194. By granting subsidies, the Secretariat of State for Women's Rights promotes training specifically aimed at improving the situation of women elected to public office.

195. The organizations responsible for this training can submit requests for financial aid to the Secretary of State in order to carry out their programmes.

- An increased awareness initiative aimed at young people: review of school curricula

196. As far as the participation of women in political life is concerned, the types of social behaviour responsible for the situation that has existed up till now are very often due to insufficient work among the nation's future citizens during their school years to increase their awareness and provide them with factual information.

197. Through the collaboration of the Ministry of National Education and the State Secretariat for Women's Rights a civic education programme has been introduced into the school curriculum, its focus being the role and rights of women in the past, in present-day society and in the future.

Women in public office

198. According to the latest inquiry into the staffing of the public service, women made up, on 31 December 1989, 51.8 per cent of France's civil servants, (51.7 per cent for permanent staff, 56.7 per cent for contractual employees).

199. Women are concentrated in the lower and intermediate categories: 63.9 per cent are employees whereas, in the intermediate professions, 65.5 per cent occupy posts as secondary or primary school teachers.

200. Among senior staff women are less numerous: most of the women employed at this level are in the teaching professions (53.4 per cent).

201. On the whole women are still under-represented in the technical professions.

202. On 31 December 1988, eight ministries, accounting for 59 per cent of State employees, had more women than the national average. These included the Ministry of National Education and the Ministry of Finance, which alone account for 56.8 per cent of State employees, with 61.8 per cent and 61.5 per cent women respectively - 10 points above the national average. The other ministries are the following: Social Affairs (74.6 per cent), Veterans (63.6 per cent), Office of the Prime Minister (57.9 per cent), Planning and National Development (60.4 per cent), Commerce (57.1 per cent) and Culture (51.8 per cent).

203. On the other hand, 10 ministries representing 41 per cent of all civil servants are beneath the average. These are the Ministry of the Interior (21.2 per cent), Equipment (25.4 per cent), Post Office, Telecommunications and Space (42.2 per cent), Maritime Affairs (25.6 per cent), Foreign Affairs (31.3 per cent), Youth and Sports (38.3 per cent), Overseas Departments and Overseas Territories (DOM-TOM) (34.3 per cent), Agriculture (44.7 per cent), Research (47 per cent) and Justice (49 per cent).

The position of women by statutory category

204. The country's public servants are classed in categories. Apart from possible internal promotions, recruitment to category A requires the licence (master's degree) for posts described as involving intellectual creativity and responsiblity; for recruitment to category B, the Baccalauréat is required for posts described as involving practical and managerial skills; for category C, the ordinary school leaving certificate is required; and for category D there are no school certificate requirements. The latter two categories cover, roughly speaking, jobs which involve merely carrying out instructions.

205. The fraction of women in category A is 45 per cent. They are most numerous in National Education (50.9 per cent), Culture (49.2 per cent) and Social Affairs (47.6 per cent). There are very few women in Equipment (12.5 per cent), Industry (14.7 per cent) and the DOM-TOM (15.7 per cent).

206. Women make up 61.3 per cent of the roster in category B (notably in the ministries cited above and also in Veterans Affairs (72.2 per cent)).

207. The proportions of women in categories C and D are 42.4 per cent and 73.7 per cent respectively.

Women in the Central Administration Directorates

208. As far as women's access to posts of senior responsibility is concerned, there has been little progress: as at 1 June 1991, eight women were serving as directors in Central Administration out of a total of 150 (there had been only four out of 168 on 1 June 1989).

209. Similarly, 89 women have reached Inspector General level (20.1 per cent) as compared with 66 on 1 June 1989 (11 per cent). Again, it is in the Ministry of Social Affairs and Labour (28.4 per cent) and at the Ministry of Culture (20 per cent) that they are most numerous.

Women in State agencies

210. These are the bodies which serve as administrative inspectorate and administrative control organs (the State Council, the Court of Accounts, the General Inspectorate of Finances). As at 1 June 1991, 82 women had joined these agencies (as compared with 71 on 1 June 1989).

211. With regard to posts normally left to the discretion of the Government, there appears to be some movement at the Central Administration director level. Relatively little is happening, however, with rectors' posts (two women on 1 June 1991) and prefects' posts (three women on 1 June 1992).

Women in the judiciary

212. I. Access to the Judiciary has been possible for women since the law of 11 April 1946.

213. There has in fact been a fairly strong acceleration in the recruitment of women to the judiciary:

Evolution of judgeships occupied by women

1982:	29 per cent
1986:	36.5 per cent
1990:	42 per cent
1991 (30 June):	43.31 per cent

214. At the most recent selection of entrants for the National School of the Judiciary, in 1992, the proportion of young women was 66 per cent. This situation is due to the composition of the law faculties (nearly 70 per cent girls).

215. II. On 30 June 1991, the distribution of women in the judiciary was as follows:

Total number of judges	43.31 per cent
Trial judges (magistrats du siège)	48 per cent of
Public prosecutors (magistrats du parquet)	31.5 per cent
Seconded judges	22 per cent

216. Women have:

- An average length of service within the judiciary as a whole of 9.7 years (13.85 for men). This shorter average length of service explains why they are not so well represented at the more senior levels, and also why they are strongly overrepresented at the lower levels (nearly 65 per cent on the bench);
- An in-grade seniority very close to that of men: 4.48 years of service (as compared with 4.28), which on the whole confirms the absence of any discrimination based on sex in matters of promotion.

217. III. The underrepresentation of women in the most senior posts is well illustrated by the following figures (July 1991):

Directors	0 per cent
Deputy Directors	15.3 per cent
Supreme Court of Appeal (Cassation), extrahierarchical (H.H.)	9 per cent
Heads of Court	5.7 per cent
Heads of Court of Superior Instance (Tribunal de Grande Instance - TGI) H.H.	12.5 per cent
Heads of Court of Superior Instance, H.C.	9.5 per cent
Heads of Court of Superior Instance, 2 chambers	11.5 per cent
Heads of Court of Superior Instance 1 chamber	22 per cent

which gives an average of 11.6 per cent in these posts as at 1 July 1991.

218. On the other hand we see that the proportion of women in these posts has been increasing fairly rapidly over the years (it has in fact more than doubled):

1982: 4 per cent
1986: 5 per cent
1987: 9 per cent.

219. The accelerating tendency can be confirmed in other ways too: in 1991, women accounted for 20 per cent of the appointments to senior posts, 45 per cent of the appointments to posts as Head of Court (one and two chambers) and 33 per cent of the appointments to posts as extrahierarchical judges for the Supreme Court of Appeal.

Women and the army

220. There is no compulsory conscription for women.

221. Law No. 92-9 of 4 January 1992 amends the National Service Code. The draft decrees for the application of this law take into account three important points with respect to the service to be performed by women volunteers.

222. In the event of reform, women volunteers may be temporarily relieved of the obligations entailed in their voluntary service (article 8 (R.104) of the National Service Code).

223. Special provisions cover the case of women volunteers who require maternity leave: these women will be entitled to a lump-sum indemnity equal to 15 per cent of the base rate (article 23 (R.225) of the National Service Code).

224. Finally a new article R.233.1 has been inserted in the law (article 59 of the Council of State decree) recapitulating the rights of women volunteers who are pregnant to:

- Obligatory prenatal examination;
- Certificate of maternity issued by the Health Service of the Ministry of Defence;
- Maternity leave;
- A children's allowance for young children.

Career military service

225. All branches of the armed services are open to women (land, air, navy). Access to graded posts has recently been facilitated in the navy: for the first time women are authorized to do service on shipboard. In 1991 there were 1,350 women officers, and 14,257 non-commissioned officers and naval officers.

ARTICLE 8

(International representation)

226. **States parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.**

* * *

227. While there is no legal discrimination preventing women from representing their Government at the international level or from participating in the work of international organizations, their participation is nonetheless extremely low. On 1 November 1992 six women were titular heads of diplomatic missions with ambassadorial rank (as compared with two in 1989), thus accounting for 4 per cent of the total, and seven women were heads of consular missions with the rank of consul-general (three, or 4 per cent) or consult (four, or 9 per cent).

228. However, 28 women (i.e. 1.3 per cent) hold responsible posts within the central administration of the Ministry of Foreign Affairs.

Their distribution by grade is as follows:

- Director: 2 (13 per cent)
- Deputy Director: 1 (10 per cent)
- Heads of Service: 0
- Assistant Directors: 9 (16 per cent)
- Inspectors: 2 (22 per cent)

229. This question is related to the more general problem of female participation in the country's political and public life, a problem which has prompted the initiatives described above under the consideration of article 7 of the Convention.

ARTICLE 9

(Nationality)

230. **1. States parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.**

2. States parties shall grant women equal rights with men with respect to the nationality of their children.

* * *

231. France respects the provisions set forth in article 9 of the Convention, as demonstrated by the status of its substantive law.

* General principles

232. French legislation provides that women have equal rights with men in matters of nationality.

233. Law No. 73.452 of 9 January 1973, which supplements and amends the French Nationality Code, provides for equality between men and women as regards the acquisition, loss or retention of French nationality.

234. The same applies to the granting of French nationality (French nationality recognized at birth, whether on the basis of birth on French soil - "jus soli" - or on the basis of filiation to a French national - "jus sanguinis").

235. Accordingly, any individual, of either sex:

- Is of French nationality if born in France of a parent also born in France (article 23 of the French Nationality Code - CNF); or is born abroad of a French parent (article 17 of the CNF);

- May acquire French nationality through naturalization if the individual has been resident in France for five years and fulfils the other conditions established by law (article 59 et seq. of the CNF); or by declaration if he has been married to a person of French nationality for at least six months and fulfils the other conditions established by law (article 37.1 et seq. of the CNF);

- Becomes French automatically at the age of 18 years if he was born in France of foreign parents, was continuously resident in France from the ages of 13 to 18 years and fulfils the other conditions established by law (article 44 et seq. of the CNF).

236. Law No. 84.341 of 7 May 1984 eliminated a final instance of discrimination between the sexes with regard to the automatic extension of loss of French nationality to the wife of a French national who behaves as a foreign national.

237. Article 96 of the French Nationality Code, in the version previous to the law of 7 May 1984, provided that the loss of French nationality by a French national behaving as a foreign national, decreed on the recommendation of the Council of State, could be extended to the wife and under-age children of the individual concerned provided that they themselves were of foreign nationality.

238. In its present version, article 96 of the CNF no longer provides for such an extension.

* Mixed marriages between persons of French nationality and foreigners

239. The ordinance of 2 November 1945 concerning the conditions for entry and residence of foreigners in France, as amended by the law of 2 August 1989, states that "the residence permit is issued as a matter of right ... to the foreign spouse of a person of French nationality". The condition requiring at least one year of marriage, which was originally foreseen in the law of 9 September 1986, has been dropped in the 1989 law.

240. The residence permit is a personal, non-transferable entitlement to reside and work in France. Once it has been issued in metropolitan France, it confers upon the holder the right to exercise the profession of his/her choice, on French territory, whether it be a salaried or non-salaried professional activity or an activity subject to authorization. It is valid for 10 years and subject to renewal.

241. However, if it emerges that the marriage is fictitious or in any sense not genuine, the foreigner may lose his/her residence and work permit.

242. The State Council decided on 9 October 1992 that a prefect has the right to refuse a residence permit. The Council's view was that, while a marriage "must in principle be accepted by the administration as long as it has not been dissolved or declared null and void by a judge, it is nevertheless open to a prefect, if it has been established beyond reasonable doubt ... that the marriage was contracted for the sole purpose of obtaining a residence permit, to thwart this fraud and to deny the party concerned - subject to the supervisory authority of the

administrative tribunals which deal with complaints relating to the abuse of power - a residence permit".

* Effects of marriage with a foreigner, or of a change of nationality of the husband during the marriage.

243. Neither marriage with a foreigner nor a change of nationality of the husband during the marriage automatically changes the nationality of the wife.

244. A French national marrying a foreigner may apply to forfeit French nationality after the marriage if the habitual residence of the household is established abroad (article 94 of the CNF).

245. As a general rule, any French national habitually residing abroad who has acquired another nationality may apply to forfeit French nationality (article 87 *et seq*. of the CNF).

246. The loss of French nationality is brought about in the two instances cited above by means of a procedure of declaration (statement of an offered right), which is, however, prohibited to French men under the age of 35 years who are liable to active national service and have not fulfilled their obligations in that respect.

247. Finally, the French Nationality Code provides that on the request of a bi-national, the Government may pass a decree releasing that person from his ties of allegiance, a procedure of common law giving effect to a discretionary power of the State to accord or not to accord the requested loss of French nationality (article 91 of the CNF).

248. A brief examination of these provisions shows that they do not in any way discriminate against married women. The nationality of each spouse is completely independent of that of the other and marriage does not in itself have any effect upon nationality.

* Nationality of children

249. Women enjoy the same rights as men with respect to the nationality of their children, whether born within or out of wedlock.

- Transmission of French nationality

250. Law No. 73.452 of 9 January 1973 abolished the inequalities between the mother and father in the transmission of French nationality. There is no longer any distinction between paternal and maternal filiation, nor between legitimate and natural filiation.

251. French nationality may be conferred on a child at birth whatever the sex of the parent born in France (article 23 of the CNF) or of the parent of French nationality (article 17 of the CNF).

- Acquisition of French nationality by collective effect (article 84 of the CNF)

252. An under-age child who is a foreign national, unmarried and less than 18 years of age acquires French nationality on the same grounds as his

parent (whether the father or the mother). This "collective effect" applies to all cases of acquisition of French nationality.

253. Thus, there is no discrimination against women with respect to nationality.

254. Finally, it should be noted that children may be entered in the passport of either parent.

ARTICLE 10

(Education)

255. **States parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:**

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

* * *

256. (a) Free State education is available to all without distinction of sex, race or religion through the Ferry Law (28 March 1882). But, although the standards of school education are the same for girls as for boys, differences none the less persist. In order to rectify these de facto inequalities, various measures have been taken.

257. Looking at access to studies as a whole, one may observe that the number of girls at school is roughly the same as that of boys: in the school year 1988/1989, the proportion of girls in primary education was 48.8 per cent, in secondary education 50.6 per cent and at university (State) 53.6 per cent.

258. In some respects, girls are outstripping boys: in 1988, out of the total of 434,644 students sitting the different Baccalaureat examinations, 240,218 (or 55.3 per cent) were girls; 175,408 girls passed (out of a total of 313,662, i.e. 55.9 per cent), which represents an overall success rate for girls of 73 per cent (compared with 71.8 per cent for the total of girls and boys).

259. Analysis of educational programmes by discipline shows that girls are concentrated mainly in the classical subjects.

260. In addition to personal preferences, inherited cultural roles certainly have a bearing on the choices girls make.

261. Little by little, however, the trend seems to be towards better vocational guidance.

262. For example:

- For the 1988 session, the number of girls sitting the Series A Baccalaureat (arts) was 80.9 per cent of the total number of students, the number of girls sitting Series B (economics) was 60 per cent, the number of girls sitting Series D (mathematics and natural sciences) was 49.4 per cent and the number sitting Series C (mathematics and physical sciences) was 33.6 per cent.

- During the same period, within the technical disciplines at the higher level (Baccalaureat + 2 years), although girls account for 51.2 per cent of the total student population, the analysis by discipline is somewhat different. For example, girls account for 86.2 per cent of students in the paramedical subjects, 77.1 per cent in tourism and communications, 65.6 per cent in the physics-chemistry-biology group, but only 3.7 per cent in technical equipment and 2.6 per cent in electronics.

- With respect to the number of female students in the various university faculties for the academic year 1988/1989, the proportion is 70.8 per cent in arts, 55.7 per cent in law, 46.5 per cent in medicine and 34.5 per cent in the sciences.

- In the academic year 1987/1988 the percentage of women in engineering schools was low despite recent increases: 12 per cent in electricity and electronics, 15 per cent in telecommunications, 29.1 per cent in physics and chemistry and 39 per cent in agriculture and food industries.

263. The public authorities have therefore given lengthy consideration to the problem of diversifying the educational choices made by girls.

264. On 20 December 1984 a Convention on guidance for girls was signed by the Ministry of National Education and the Ministry of Women's Rights.

265. This Convention is an example of what could be a real commitment on the part of the two Ministries to implement a policy of equal opportunity in schools and in training. The creation of a full-time post within each education office (rectorat) will enable this policy to be implemented, monitored and evaluated in liaison with the representatives of the Ministry of Women's Rights and local personnel in charge of training, insertion and employment. The Convention, accompanied by a special circular letter from the Ministry of National Education to chief education officers establishes the priority objectives to be attained in the short, medium and long terms.

266. Classroom teaching methods are also the target of efforts to promote equality of opportunity, the idea being that changes in teaching practices will influence the attitudes of girls to the scientific and technological disciplines. Several initiatives have been undertaken in conjunction with various educational commissions with a view to introducing points relating to the history of women and the development of women's rights up to the present day into the history and civic instruction syllabuses taught in schools.

Convention on the Diversification of Vocational Options for Girls

267. Since 1989, the Ministry of National Education, the State Secretariat for Technical Education and the State Secretariat for Women's Rights have been implementing a fully fledged programme of action.

268. On 14 September 1989 these ministerial departments signed a Convention on the diversification of vocational options for girls.

269. In pursuance of this Convention:

- A national steering committee has been established with the task of monitoring and evaluating the measures taken by the three ministerial departments;
- In each academic institution one individual has been appointed to take charge of the girls' vocational guidance file.

270. Brochures have been systematically circulated throughout the country to pupils between the ages of 11 and 20 in order to provide those involved in the educational process with relevant information. These brochures, compiled by a specialized office (National Office for Information on Education and the Professions) in liaison with the national and regional structures of the State Secretariat for Women's Rights, are designed to inform young people and their families on qualifications and training.

271. Pursuant to the agreements between the State Secretariat for Women's Rights and the Ministry of National Education, each annual ministerial circular concerning measures to be taken preparatory to providing vocational guidance to pupils has drawn the attention of those in positions of responsibility within the educational system to the objective of equal opportunities for girls and boys. A document summarizing all the texts relating to equality of opportunity has been prepared by the State Secretariat for Women's Rights.

272. The Secretariat of State for Women's Rights has assigned priority to measures aimed at promoting technical and vocational education and training for girls.

273. These measures have two objectives:

- To make girls more highly qualified by providing them with training in sectors where employment is likely to be offered; and
- To facilitate the integration of young women in the professions and enhance their adaptability for the future by diversifying their vocational options, notably in the direction of science and technology.

There are three such measures:

- The broad public information campaign called "C'est technique, c'est pour elle" (It's technical and it's for her);
- The triennial action programmes arranged by the sectors of the various school districts in collaboration with the regional Women's Rights Representatives, in application of the Convention on the diversification of vocational options for girls; and
- The Women's Scientific and Technical Vocation Prize.

1. The information campaign

274. On the theme "It's technical and it's for her", the Secretariat of State for Women's Rights, in collaboration with the Secretariat of State for Technical Education, launched on 14 January 1992 an information campaign aimed at girls between 14 and 17 years of age. Teaching aids have been designed for the campaign personnel in charge of guidance, including posters, video cassettes, technical classifiers and the like.

275. This campaign has been taken up and publicized in the different regions by the prefects and the regional Women's Rights Representatives in close liaison with the competent sector, and it has been highly visible to the target public. In fact, it seems that 60 per cent of the girls in the target age group have been exposed to the campaign.

276. The analysis of the campaign carried out in March 1992, in the course of which a sample group of 600 girls between 15 and 17 years of age was questioned, revealed that 86 per cent of the girls thought the campaign was a good way to motivate girls in favour of the technical professions.

277. The quality of the teaching aids used met with the enthusiastic approval of the educational and vocational training authorities involved, notably the Adult Vocational Training Agency (AFPA). It was used in a varied and dynamic way by the teaching staff (the Information and Guidance Centres, schools, lycées ...), and also by the vocational training centres, a fact which demonstrates the keen interest in these new teaching aids felt by the people involved in training and guidance.

2. The pluriannual action programme

278. The main lines of policy were defined by the Convention on the diversification of vocational options for girls of 14 September 1989, signed by the Secretariats of State for Women's Rights and for Technical Education, the implementation of which has been entrusted to the Directorate of Lycées and Secondary Schools in the Ministry of National Education.

279. Main aims of the Convention

- Information for girls and their families;
- Acquisition of a genuine scientific and technical culture by girls in secondary school;
- Training of educational staff;
- Introduction of structural modifications which will favour the acceptance and integration of girls in the technical education process;
- Mobilization of potential employers on behalf of technically trained girl graduates.

280. In 1991 and 1992 effective mechanisms for stimulating and monitoring the application of the Convention were established at the national level (a national steering committee at the Directorate of the Lycées and Secondary Schools) and at the regional level (a network of mission officers attached to the sectors collaborates for this purpose with the Regional Women's Rights Representatives). The objectives of the three-year action programmes devised by the sectors have in the meantime begun to take concrete form.

281. It is also apparent that the school districts have done a great deal to keep girls informed, particularly in connection with the "It's technical and it's for her" campaign and with training initiatives and summer university courses for teaching staff on the diversification of vocational options for girls, as well as information campaigns on the realities of guidance and employment for women.

282. Specific multi-year action programmes corresponding to each of the Convention's aims will be the subject of annual reporting.

3. The Women's Scientific and Technical Vocation Prize

283. This is a prize of F 5,000, organized by the regions, the aim of which is to reward the scientific and technical vocational achievements of

480 female final-year Lycée students who can serve as "models" for other secondary school girls and lycée students.

Technical and vocational education: attendance by girls since 1988

284. In the second stage, vocational (Certificate of Vocational Aptitude (CAP) in three or two years, Vocational Teaching Diploma (BEP), Vocational Baccalauréat) we see a decline in girls' attendance at level V (CAP-BEP) from 47.6 per cent to 45.9 per cent between 1988 and 1992 (this applies to France as a whole, both public and private institutions) in favour of the various branches of second stage, long.

285. Another thing we see, however, for the vocational baccalauréat in public school teaching (two years after the BEP), is a very marked rise in the aggregate student body (boys and girls: 38,200 as compared with 6,547 in 1987-88). For girls alone, in the final year of the vocational baccalauréat during 1991-92 the numbers were 16,884 as compared with 2,415 in 1987-88 (in other words, 44.2 per cent of the total number of students as compared with 36.8 per cent five years earlier).

286. With regard to the second stage, long, in the public school system, we note that the proportion of girls in the final-year industrial technology classes is increasing: between 1988 and 1992 it rose from 3.7 per cent to 4.1 per cent of the total enrolment in final-year F industrial (mechanics, electronics and electrotechnology, building) - 1,170 girls in 1987-88 as compared with 1,606 in 1991-92.

287. Distribution of girl students by subject in final-year industrial technology classes

Final Year	1987-1988		1991-1992	
	Girls	Total Students	Girls	Total Students
F1 (mechanics)	345 3.1%	10 921	505 3.9%	12 703
F2 (electronics)	202 3.4%	5 914	321 4.2%	7 579
F3	310 2.63%	11 752	390 2.8%	13 893
F4 (civil engineering)	176 12.9%	1 360	222 9.4%	2 362

Final Year	1987-1988		1991-1992	
	Girls	Total Students	Girls	Total Students
F9 (power and technical building equipment)	29 5.2%	557	35 5.3%	656
F10 (2 options) (electromechanics)	108 12.7%	848	133 11%	1 208
Total number of girls preparing for industrial technology baccalauréats	1 120	31 352	1 606	38 401

(It will be noted that female enrolment is increasing particularly steeply in F1 and F2. This is encouraging because training in these subjects leads to post-baccalauréat work where employment opportunities are still good.)

288. There exist institutions for the training of vocational guidance counsellors, and for the last four years specific training in guidance for girls has been available at the Paris institute.

289. As the schools take the practical work of the world more and more into account, "equality of opportunity" is acquiring a new dimension.

300. A research-cum-action programme is in progress in two school districts (Lorraine, Brittany), co-financed by the European Community, on the training of teachers to deal with the problems inherent in the goal called "equality of opportunity".

301. The studies carried out by the public school information and guidance services have helped to create awareness among the school leaders, teachers and guidance counsellors who are in regular contact with young people and their families. Further, the research carried out by the Secretariat of State for Women's Rights in liaison with the education authorities and the National Institute for Statistics and Economic Studies (INSEE) has provided valuable information for persons in positions of responsibility about the situation of women in France (employment, initial and further training, health and so on). Parallel to this, a brochure entitled "Women in Figures" takes stock of the situation at the national and regional levels.

302. The aids produced by the State Secretariat for Women's Rights and the Ministry of National Education are extremely varied. The range covers:

- Brochures systematically circulated to pupils or made available to interested members of the public through Information and Guidance Centres and, in schools, through documentation and information centres;
- Television and radio announcements;
- Regional teaching material (Burgundy, Limousin);
- Regional exhibitions (in Ile-de-France, Northern France and the Loire Valley).

303. (b) Male and female students have equal access to school curricula, and examinations are also organized without any sexual discrimination.

304. Non coeducational establishments represent a very small minority (0.2 per cent).

305. (c) A systematic effort to eliminate sex-related stereotypes is being made in the texts and illustrations of the brochures published by the National Office of Information on Education and the Professions (ONISEP) for the purpose of informing secondary school pupils and their parents on training courses and available occupations. The same applies to documents made available to students in higher education.

306. A similar approach has been taken in the audio-visual productions and television programmes produced by ONISEP, a national office set up by the Ministry of National Education for the purpose of devising and disseminating information on education and the occupations to the public and to academic establishments throughout the country in order to enable young people to make plans for their further education and entry into the job market.

307. Specific measures to combat sexism in school textbooks and teaching methods were introduced in 1984.

308. At both the national and regional levels, school textbook review committees have been established.

309. During the same period information and increased awareness courses on efforts to combat sexism have been held in teacher training colleges.

310. Courses in feminist studies have been established in universities such as Rennes, Paris IV and Toulouse II.

311. With respect to school curricula, the role and place of women in history and society has been introduced as an additional subject in the history and civic instruction syllabuses of *lycées* and other secondary schools.

312. Progress has also been made in the adaptation of syllabuses to take account of the special problems of women.

313. Recommendations have been issued regarding areas of study relating to civic and human rights issues in college curricula, the thrust of these recommendations being that greater care should be taken to avoid sexist prejudices, in particular by studying the Convention on the Elimination of All Forms of Discrimination against Women.

314. In 1988, with respect to the study of the 20th century in the history syllabus of the first (final) grade, it was requested that the human aspects of the First World War should be used as a basis for identifying the new responsibilities assumed by women.

315. (d) Women may be granted scholarships on the same terms as men and even benefit from positive discrimination with the establishment in 1985 of a scientific and technical vocation scholarship.

316. Observing that girls holding a scientific Baccalaureat tended to go in for a wider variety of careers than boys and not to take courses leading to engineering careers, the Ministry of Women's Rights decided in 1985 to establish the "women's scientific and technical vocation scholarship".

317. The purpose of this scholarship is to encourage girls from poor backgrounds to choose scientific careers. It is granted - in the light of school performance, vocational aims and family income - to the winner of a national competition in their next-to-last year in S, E, F1 (production technology), F2 (electronics), F3 (electrotechnology), F4 (civil engineering), F5 (physics), F9 (power and technical building equipment) and F10 (microtechnology).

318. The value of the scholarship is:

- F 40,000 for training as an engineer;

- F 20,000 for training as a technician.

319. Future technicians who wish to pursue their scientific or technical studies further for one or two years to obtain a BTS or DUT diploma may be awarded one or two additional annuities worth F 10,000 each.

320. The Secretariat of State for Women's Rights is responsible for all aspects of these vocational scholarships and for following the progress of the laureates.

Year of competition	Entrants	Successful entrants
1986	500	50
1987	500	50
1988	530	55
1989	520	57
1990	512	63
TOTAL	2 562	275

321. Since 1989, girls studying at lycées in the Overseas Territories have been admitted to the competition. Of the 60 scholarships awarded this year, 12 went to lycée students who wish to become senior technicians in advanced sectors of industry.

322. Generally speaking, the scholarship can be considered to have had a positive effect on the vocational choices made by girls.

323. For five years now there has been a doubling of the number of girls choosing scientific subjects in _lycées_ with a scholarship holder.

324. (e) Although _illiteracy_ is relatively rare in France, a number of people have a certain amount of difficulty in reading and writing.

325. In France _illiteracy_ affects more men than women.

The different degrees of illiteracy by sex (1988)

	Men	Women
Reading problems	4.8%	3.4%
Writing problems	13.0%	10.2%
Reads and writes with difficulty	7.7%	5.1%
TOTAL	25.5%	18.6%

326. Old people are particularly badly affected.

Different degrees of literacy by age (1989)

	18-24 years	25-34 years	35-49 years	50-64 years	64 years plus
Reading problems	3.7%	2.4%	5%	5.2%	3.8%
Writing problems	10.6%	8.4%	8.4%	14.2%	17.0%
Reads and writes with difficulty	1.5%	3.1%	3.5%	7.3%	16.5%
TOTAL	15.7%	13.6%	16.9%	21.5%	37.3%

327. Efforts to combat illiteracy are combined with other training initiatives. People in difficulty or looking for a job often become aware of the need to be able to read and write. Nowadays illiteracy is

taken into account in the "isolated women" and RMI (minimum integration income) courses. Associations are also including literacy among their objectives.

328. (f) In September 1989 a "training credit" was introduced to give early school-leavers a second chance to obtain the basic qualifications they had missed.

329. Because of the presence of regional women's rights representatives in the "steering" groups, this training credit has particular relevance to girls (27,446 out of a total of 42,540).

330. (g) In the French educational system participation in physical education and sports courses is compulsory for both girls and boys.

331. (h) Aspects of family planning are included in compulsory biology courses.

332. From the fourth class (about age 13) upwards the subject is tackled as follows:

Extract from the fourth class syllabus:

333. "Birth control, the purpose of contraception, is placed within its social context in order to develop respect for life and a sense of responsibility in the future citizen and parent.

"Abortion, the legal limits for the prescription of which will be explained, is presented not as a method of contraception but as a palliative to be used exceptionally should contraception fail or in a difficult situation. The subject will be dealt with again in the third grade, this time as a preventive treatment in the case of a serious defect detected *in utero*.

"On the basis of this information, emphasis may be laid on the social and personal necessity of prevention. Particular emphasis will be placed on the cardinal importance of individual responsibility in choosing and applying the means of birth control."

334. The subject is taken up again in the penultimate or final-year class according to the subject groups chosen.

Extract from the syllabus of Final-year class D:

335. "The scientific bases essential for understanding chemical contraception have been dealt with in the study of sexual cycles. This knowledge is augmented by further additions relating to birth control and the main methods of contraception already studied in the fourth grade. The causes of male and female sterility will then serve as a starting point for study of the new techniques for aiding reproduction, including the recent progress made in *in vitro* fertilization and embryo transplants."

ARTICLE 11

(Employment)

336. 1. States parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on the basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

* * *

337. One of the major concerns of the French Government is to ensure equality between men and women in the professional domain. In both the private and public sectors there are institutions and machinery which have been set up to deal directly with this problem.

338. - In the private sector, the law of 13 July 1983 amending the Labour Code and the Penal Code in matters relating to vocational equality between women and men established a Higher Council for Vocational Equality (between women and men) under the Ministers for Women's Rights, Labour, Employment and Vocational Training. The mandate of this Council, made up of representatives from the relevant administrative departments, the social partners and qualified persons, is to participate in defining, implementing and applying policy relating to vocational equality between women and men (article L330-2 of the Labour Code).

339. - With regard to the public sector, in addition to the annual report of the Higher Council for the Civil Service, which is interested in all problems relating to the Civil Service, including efforts to prevent discrimination against women, it is specified by the Law of 11 January 1984 containing statutory provisions relating to the Civil Service, that the Government will submit to the office of the parliamentary assemblies a biennial report prepared after consultation with the Higher Council for the State Civil Service and the Higher Council for the Territorial Civil Service taking stock of the measures taken to ensure at all levels of the hierarchy respect for the principle of equality of the sexes in the metropolitan Civil Service and in the overseas Civil Service and including information on the application of this principle to State posts and personnel, territorial communities and public establishments.

340. These provisions reflect the keen interest taken by the French Government in equality in the field of employment, as will now be shown in greater detail in relation to each point raised by the Convention.

341. 1. Measures taken to eliminate discrimination against women in the field of employment

342. France recognizes the right of all human beings to work, regardless of their sex.

343. The preamble to the Constitution of 27 October 1946, which has constitutional status, after stating that the "law guarantees women, in all domains, equal rights to those of men", affirms that "every person has the duty to work and the right to obtain employment".

Working women

344. Considered over a long period, the proportion of economically active women in France has remained very constant: at the beginning of the century there were almost as many working women as there are today. Numbers dropped subsequently, however, and throughout the first half of the century there was a steady decline in the number of working women. The "slump" began after the 1920s and continued until 1960. 1962 marked the beginning of the reverse trend: a remarkable upswing in female employment.

345. The increase in the numbers of economically active women is one of the major events of the last 25 years. It is the phenomenon which has been most instrumental in reshaping the French labour market.

346. Some figures will help to illustrate this trend:

247. - In 1962, 6.5 million women and 13 million men were economically active, i.e. women represented 43 per cent of the active population.

348. - In 1989 10.5 million women and 13.5 million men were economically active.

349. Thus we have 4 million additional active workers in the space of a quarter of a century, and it is easy to see that the increase in the working population since the 1960s is due primarily to women.

350. We notice a parallel phenomenon where wage earners are concerned: between 1962 and 1982 salaried employment among men increased on average by 16 per cent, among women by 57 per cent.

351. A second noteworthy fact is that the number of economically active women has continued to increase despite the employment crisis. For almost 15 years male employment has been decreasing (from 72 per cent in 1975 to 64 per cent in 1989), while female employment has been increasing. The rise in female employment is due to the predominance of women in dynamic sectors such as the service industries, both commercial and non-commercial, and their lower representation in the secondary sector where job losses have been heavy. This trend is undergoing a reversal, however, because the sectors which are at present benefiting from economic recovery are predominantly masculine (the capital and intermediate goods industries, building, etc.).

352. A third major trend to be discerned is that in the space of a quarter of a century women's employment patterns have changed dramatically. Until the 1960s most women stopped working between the ages of 25 and 40 years. Nowadays most women continue to work, whether or not they are married or have children. It is in precisely those age groups formerly considered "fallow years" from the point of view of female employment that the activity rates are now the highest. The proportion of 30 year old women who work, for example, has almost doubled, increasing from 40 per cent in 1962 to 73 per cent in 1989. Male and female employment patterns are becoming more similar and a more continuous career progression is beginning to replace the spasmodic patterns of earlier years which were due to the birth of children and their upbringing.

353. The arrival of a second child is less and less an automatic reason for women to stop working (two thirds of women with two children continue working). The same does not apply to mothers of three children: less than 40 per cent of such women between the ages of 25 and 50 years have any kind of occupation.

354. Since 1982 various types of employment arrangements have been developed as alternatives to the contract of unspecified duration. These include part-time and temporary work, as well as fixed-term contracts - i.e. so-called atypical arrangements.

Distribution by occupational group

355. The socio-occupational group with the highest rate of female employment is that of "employees": female employees number 4,380,925, or 56 per cent of all salary earners. For men the largest group continues to be that of "workers".

356. Women are making progress in the ranks of senior management and in the intellectual occupations, where their numbers have increased by more than 190,000 since 1982. In the so-called "intermediate" jobs (i.e. middle-level personnel) there has been an increase of 237,000 employees. On the other hand, the number of women engaged in workers' jobs has diminished.

357. Among the administrative and sales staff of enterprises there are 151,955 women, or 24 per cent of the total in that category.

358. A total of 56,112 women (24 per cent) occupy senior posts in the civil service.

359. There are 77,426 women engineers, making up 10 per cent of aggregate employment in that category.

Salaries

360. Overall, the difference between men's and women's salaries is still considerable: women earn approximately 25 per cent less than men, or men 31.4 per cent more than women (in the private and semi-public sectors). This is because women are less numerous in the better paid socio-occupational groups and the more lucrative sectors of economic activity. According to INSEE, the income of male managerial staff is over 30 per cent more than that of female staff at the same level.

Part-time work

361. Part-time workers represent 12 per cent of the labour force and 83 per cent of such workers are women. Women opt for part-time work increasingly from the age of 25, particularly as their family responsibilities increase. This type of employment is concentrated mainly in the tertiary commercial sector (retail trade, catering, cleaning services, etc.) and is also a popular arrangement chosen by women working for the Government or for local communities. Part-time arrangements may be freely chosen, but may also be the outcome of constraints imposed by the enterprise.

362. Part-time workers are the most likely to seek a new job: 14 per cent of women with part-time arrangements compared with 5 per cent in other types of job. The wish to have longer working hours is usually the main reason for changing job.

Temporary work

363. Temporaries are mainly employed in the manufacturing and building industries, civil engineering and farming. Less than a third of such workers are women, temporary work being increasingly a male province.

Unemployment

364. The increase in female unemployment, a corollary of the increase in female employment, is now at quite a high level: out of the 2,308,000 unemployed persons identified by the employment survey of March 1989, 1,326,000 were women and 982,000 were men. The female unemployment rate (12.6 per cent) is higher than the male unemployment rate (7.3 per cent).

365. Thus, the employment policy implemented by the Ministry of Labour, Employment and Vocational Training for the benefit of women is mainly focused on their integration into general strategies to reduce unemployment, the main target of such strategies being the most disadvantaged categories in the labour market, including women.

366. The unemployment rate is higher amongst the less-skilled jobs, in other words it is higher amongst employees and workers than managerial personnel. In the past two years, however, this trend has been less marked in the case of men owing to the decrease in the industrial unemployment rate, while there has been very little decrease in the unemployment figures for employees, a sector where women are very numerous.

367. In order to allow a greater number of women access to the labour market, objectives specifically geared to female employment are regularly incorporated into more general activity. These are essentially reminders of the necessity of equal treatment for men and women, job diversification and recommendations to the competent local authorities that women should enjoy whatever benefits result from such measures on an equal footing with men.

368. Measures relating specifically to women have also been introduced.

369. These are associated by and large with specific vocational training initiatives aimed at young women, "isolated" women, and similar target groups.

Measures taken to eliminate discrimination in the field of employment

370. Women have the right to the same employment opportunities as men.

(a) Public sector

371. In the public sector this right is affirmed by legal precedents: impartial conditions must apply to administrative competitions or recruitment trials, more specifically in the composition of the jury which might wish to prevent the recruitment of a particular candidate (State Council, 9 November 1966, Commune of CLOHARS-CARNOET v. Miss PODEUR).

372. The policies of the public authorities, moreover, are clearly slanted in this direction: the *circular of 24 January 1983 concerning equality between men and women and the employment of both sexes in the Civil Service* requests the relevant departments "to ensure that female

candidates who satisfy the conditions of age and service laid down in the statutory provisions governing categories, grades or posts for promotion are neither discouraged a priori nor turned down on the pretext that their 'feminine nature' would not fit them for the functions attached to such categories, grades or posts or that the conditions of family life would prevent them from performing their functions fully. Such candidature should even be encouraged."

373. However, the general statute of the Civil Service provides for the separate recruitment of men and women, but only when sex is considered a condition crucial to the performance of certain functions: before the law of 7 May 1982 the distinction was based merely on the "nature" of the functions. The same law eliminated the possibility of exclusive recruitment of men or women.

(b) Private sector

374. Similarly, equality is the rule in the private sector, as affirmed by the Law of 13 July 1983.

375. An employer may not henceforth mention sex or family situation in an offer of employment or in advertising relating to recruitment.

376. Neither may he turn down a candidate on the grounds of selection criteria which differ as a function of sex or family situation. The same applies to the annulment of a contract or refusal to renew it.

377. The notion of legitimate grounds which an employer was previously able to invoke in turning down candidates has been eliminated.

378. The Decree of 25 May 1984 enumerates the few occupations in which sex constitutes a determining condition. This category consists of actors required to play either male or female parts, models whose job is to present clothes and such like, and other male and female models.

379. (c) Vocational equality is achieved through training.

380. With respect to apprenticeships, the number of girls received in apprentice training centres (CFA) is rising once again, having levelled off in 1983 and 1984. Female apprentices now represent 28 per cent of the total number of apprentices.

381. There are a large number of schemes under way in this field:

382. Schemes for young women from 16 to 25 years of age (1989)

383. The training credit is aimed at giving young people who have failed to obtain basic qualifications in the course of their initial training, especially those who have left school without such qualifications, a second chance to obtain them.

384. The presence of regional representatives for women's rights in steering groups (operational groups assigned to zones) is designed to facilitate the inclusion of girls in this new scheme.

385. Since its institution in September 1989, 27,446 women out of a total of 42,540 have benefited from a preliminary qualification (out of a total of 11,415) and 5,524 out of a total of 8,221 have completed training leading to a higher qualification sufficient for employment.

386. A subsidy of 5 million francs was distributed among the regions in 1989. The initiative aimed at young women consists of providing funds for training aids, projects to redirect girls towards performing sectors, the organization of more individually tailored career paths, the modernization of training opportunities for young women and the alerting of all those concerned to the special problems experienced by young women in finding a job.

387. In the framework of contracts between the State and the regions, a special multi-annual vocational training programme for women has been negotiated in 13 of the 26 regions with a view to "raising general levels of skill amongst women and diversifying their employment". The programme will cost 140 million francs over five years. These initiatives should provide the means of access to high-level scientific and technical training financed by the regional councils, areas of training in which women continue to be in a minority, albeit a slowly expanding one.

388. The State Secretariat for Women's Rights is represented on the coordinating committee for "regional vocational training programmes".

389. In addition, a pilot scheme was launched in 1988 in which 28 personalized teaching workshops (initially designed for young people) were opened for mothers wishing to return to work. These workshops provide a means of reawakening "dormant" knowledge according to a flexible modular timetable responding to a public anxious to reconcile the demands of family life with those of training.

390. Approximately 1,000 women over the age of 26 have received training of this kind since the scheme was extended in 1989. Demand has been very great indeed.

391. In 1991 a sum of 19 million francs was allocated, through the regional women's rights representatives, to training projects which aimed essentially at diversifying the professional careers available to women.

392. The Vocational Training and Social Promotion Fund (FFPPS) and the European Social Fund (SFE) contributed 5 million francs to this programme.

393. In the 26 regions, 160 projects, lasting 700 hours each on average, were carried out in 1991. These provided benefits to 1,600 trainees who were thus able to acquire qualifications, obtain employment. or else begin the process of integration into vocational life in the following areas:

- Industry: mechanics, metallurgy, robotics, plastics;
- A variety of technical fields: horticulture, microcomputers, communications, printing, modelling;

- In rural areas: activity creation, personalized teaching workshops, stimulation of tertiary sectors, with specializations involving European and international exports.

394. Feedback of information from the regions reveals individualized development of training (modular courses) and a flexible approach involving a variety of common-law measures (qualification contracts) or measures aimed at securing vocational equality (contracts designed to ensure mixed employment).

395. We likewise note an increase in co-financing arrangements, which points to greater involvement of the partners on the local plane. Even so, the continuation of some projects remains completely dependent on allocations provided by the Secretariat of State for Women's Rights. These are projects aimed at preparation for employment, "reactivation" and "dynamization" measures, or else preliminary training aimed at integrating women in courses leading to full qualification - what we might call "gang-plank" actions - for scientific and technical jobs, or measures targeting certain specific technical fields.

396. As regards the levels attained, somewhat more training than previously has been carried out at level V (45 per cent). We still see a fairly large proportion of training aimed at level IV (35 per cent), and 20 per cent aimed at levels III and II (30 per cent in 1990), which indicates that a larger number of women possessing a comparatively low level of training have been able to obtain qualifications which should facilitate their employment.

397. Furthermore, since 1989 a sum of 11 million francs has been allocated to the programme aimed at coping with unemployment among women. This was an experimental programme at first, but it was enlarged to encompass all the regions in 1991. The principal aims of the programme are:

- To pursue and improve collaboration with public employment services;

- To maintain close liaison with all activities aimed at matching job seekers with the employment needs of enterprises in such a way that they need not move house;

- To make effective use of the mechanisms available under common law for the benefit of women;

- To prevent dismissal on economic grounds.

398. The programme to combat female unemployment also involves many training activities oriented towards the employment of women in jobs which are not traditionally theirs, as well as communication activities associated with this objective. The aim is to enable as many women as possible to obtain a qualification and to secure employment, and also to open up new vocational options.

399. Since June 1992 a fund designed to encourage women's training can be established in each region or département by agreement between the State and public partners - local commercial advisers and associates.

400. The purpose of this fund is to provide individual financial assistance to women in difficulty who wish to obtain vocational training financed by the State or by a competent regional body.

401. This assistance consists mainly in taking over all or part of the costs of caring for children or providing home assistance for dependent persons (the aged and handicapped for example), and in some cases transport and lodging expenses.

402. This assistance can be granted throughout the woman's training and may continue one month beyond the conclusion of training in order to facilitate the search for employment.

403. (d) The Law of 22 December 1972 introduced into the Labour Code the principle of equality of remuneration between men and women:

404. "The employer shall ensure, for the same work or work of equal value, equality of remuneration between men and women. For the purposes of the present chapter, remuneration is taken to mean the salary, or basic or minimum ordinary pay, together with all the other benefits and additional allowances paid, directly or indirectly, in cash or in kind, by the employer to the worker for the latter's work" (article L.140.2).

405. The prohibition of discrimination therefore applies to allowances as well as to the basic salary.

406. The law has accordingly stipulated that performance bonuses should be awarded to female as well as male employees.

407. Moreover, under article L.140-7 of the Labour Code employers of female staff are required to post notices relating to equality of remuneration in workplaces and recruitment offices.

408. However, the application of the Law of 1972 by the judicial authorities of the Social Chamber of the Court of Cassation and by numerous judges has added various nuances to the original text.

409. Thus, a judgement of 24 November 1976 of the Social Chamber of the Court of Cassation establishes that a difference in remuneration to the detriment of female employees may be justified by "particular characteristics or difficulties liable, regardless of any sexist consideration, to result in higher remuneration for men ...".

410. Prior to the Law of 1983, it used not to be possible to make an objective comparison between women's and men's remuneration, and it was therefore difficult to check whether the principle of equality was being observed.

411. In order to do so, it was necessary to identify the various components of the total salary according to identical criteria for men and women.

412. The law merely provided that the categories and criteria of grading and vocational promotion and all the other bases for calculating remuneration, including job evaluation methods, should be the same for both sexes.

413. In order to resolve such difficulties, the Law of 1983 defined the criteria to be applied to the notion of work of equal value. Article 5 of the Law of 13 July 1983 supplemented existing legislation by stipulating that "work of equal value shall be considered to mean work which requires of employees a comparable aggregate of professional knowledge as reflected by a certificate, diploma or professional practice, skills arising from experience gained, responsibilities and physical or nervous strain".

414. It should also be noted that the Law of 1983 also applies to establishments with an exclusively female staff.

415. By adding to article L.140-2 of the Labour Code that "disparities in remuneration between establishments of a single enterprise, where the same work or work of equal value is involved, may not be based on the fact that the employees in these establishments are of one or the other sex", the Law of 13 July 1983 put an end to the inegalitarian practices of establishments employing only women or men, in respect of which comparisons were difficult.

416. Despite these measures, the overall difference between the salary levels of the two sexes has been somewhat reduced, but is still in the region of 25 per cent.

417. Further efforts must be directed towards changing legislation in order to reduce still further the salary discrepancies between men and women, which are nevertheless among the lowest in Europe.

418. (e) As a general rule, equality of treatment between the sexes and the elimination of all forms of discrimination against women in the field of social security have been achieved to a very great extent.

419. With regard to the terms and conditions under which employees are taken on, the prohibition of all forms of discrimination was the subject of a general provision in the Law of 10 July 1989 containing provisions relating to social security and the in-service training of hospital personnel; article 6 of this law established an article L.731-4 in the Social Security Code, the purpose of which was to prohibit all forms of discrimination on the basis of sex in retirement pension and provident agreements, in collective settlements and in the statutes, regulations and tariff schedules for pension and supplementary provident institutions.

420. This article provides that - subject to certain exceptions - clauses which do not adhere to the principle of equality of treatment between men and women and which have not been deleted or duly amended by 1 January 1993 will, on that date, be automatically nullified.

421. The particular types of discrimination which persist, in fact, are essentially those favouring women.

422. This is true of a number of social security schemes (basic or supplementary), in which the age of entitlement to reversionary pension rights is reduced to the advantage of the widow or in which provision is

made for a claim for early pension entitlements in respect of children raised or in which the term of insurance has been increased in respect of the third child raised.

423. Furthermore, as far as pensionable age is concerned, there is no inequality of treatment between men and women in terms of different compulsory retirement ages depending on sex.

424. The following distinction must be made: the date of termination of employment, which varies according to the enterprise concerned, the applicable collective agreements and other related information, and the date of settlement of pension rights, which is at the discretion of the employee.

425. Regarding this last matter, it should be recalled that the order of 26 March 1982, effective as of 1 April 1983, undoubtedly made it possible for every employee, whether male or female, to claim a full pension (i.e. 50 per cent of the annual salary averaged over the 10 best years in the general scheme) from the age of 60 years in all the schemes, provided the employee satisfies the condition of length of previous service (i.e. 150 quarters in the general scheme). It should be stressed, however, that this possibility does not in any way constitute an obligation.

426. (f) Women are ensured the right to protection of health and to labour safety on the same terms as men.

427. The only real differences remaining are those relating to maternity.

Measures to prevent discrimination against women on the grounds of marriage or maternity

(a) The pregnant woman is protected in her employment

428. A pregnant woman is not required to reveal that she is pregnant during the recruitment interview. Nor may she be dismissed for having concealed her pregnancy.

429. During the probationary period, the employer may not use the employee's pregnancy as grounds for dismissal.

430. An employee may tender her resignation without giving notice as soon as the pregnancy is apparent.

431. Maternity leave does not in any way affect the date of termination of the temporary or fixed-term work contract.

432. Protection from dismissal varies according to whether the employee is on maternity leave or not.

433. Before maternity leave and during the four weeks following maternity leave, the employer may not dismiss the employee except in cases of:

- Serious error not related to the state of pregnancy;

- Impossibility of maintaining the work contract for reasons other than the state of pregnancy of the employee (e.g. for economic reasons or owing to the reorganization of services).

434. During the maternity leave, it is forbidden to dismiss an employee even in the case of serious error or force majeure.

435. Dismissal duly notified prior to the maternity leave may not take effect during that leave.

436. Dismissal during this period is null and void. The employer must pay the salaries which the employee would have drawn during the period of protection against dismissal, together with any damages for the absence of real and serious cause.

437. (b) The law guarantees the employee the right to suspend her work contract during a specified period before and after the birth. The beneficiary of preference of maternity leave is the mother. However, maternity leave is also granted to the father should the mother die after the birth (article L.122.25 to L.122.27, L.122.29 to L.122.32 of the Labour Code).

438. The party concerned must however notify her employer of the reason for her absence and the date on which she intendes to resume work by registered letter with acknowledgment of receipt.

Legal duration of maternity leave

		Duration of leave requested (number of weeks)		
Number of children before the birth	Birth	Prenatal	Post-natal	Total
0	- One child	6	10	16
	- Twins	6	12	18
	- Triplets or +	6	22	28
One dependent child or one child born viable	- One child	6	10	16
	- Multiple births	6	22	28
Two or more children dependent or born viable	- One child	8 or 10	16 or 18	
	- Multiple births	8 or 10	18 or 20	
	- Illness of the mother	2 (extra) (maternity insurance)	4 (extra) (sickness insurance)	

439. Maternity leave is taken into account in calculating seniority, entitlement to paid leave and compensation for giving in advance notice and for dismissal.

440. Provided that the employee satisfies the necessary formalities (declaration of pregnancy to the primary sickness insurance fund and compulsory medical examinations) and also completes 200 hours of work during the three months preceding the date of conception or the date of the commencement of pre-natal leave, she is entitled to daily allowances amounting to 84 per cent of her last gross salary.

441. She is also entitled to benefits in kind for the purpose of covering costs incurred as a result of the pregnancy or confinement (i.e. medical or hospital fees and medication).

442. On completion of the maternity leave, the employee must resume her previous job or a similar job at an equivalent level of remuneration.

443. (c) The policy pursued in recent years is aimed at a better reconciliation of family and private life. Thus, efforts have been made to develop and improve child-care facilities, since each couple should be free to choose how many children they wish to have and how they are reared, especially in infancy. The range of child-care facilities available to parents is part of this freedom.

444. According to a study carried out by CREDOC in 1989, the number of children under three years of age whose parents both work is approximately 1 million, 23 per cent of these children being cared for by their mothers who are not regular wage-earners. Out of the 770,000 children who are not cared for by their mother, 45 per cent are in some kind of "organized" structure: approximately 95 per cent in collective crèches, 50,000 in family crèches and around 200,000 with an approved mother's help. All the others have some kind of "non-organized" care, whether in the form of an undeclared mother's help (at least 150,000 to 200,000 children) or a relative other than the mother.

445. The efforts undertaken in this field relate to all the different facilities for the care of children under six years of age, whether of a permanent or temporary nature, and to the care of older children too.

446. The Government's concern is to develop these different forms of child care by bringing back the "contract crèche", improving assistance for mother's helps and establishing a "child-care pact".

447. Since decentralization, the establishment of crèches has mainly been the responsibility of local authorities.

448. A formula - the so-called "child-care pact" (contrat enfance) - has been developed to improve coordination between the State (through the Family Allowance Funds) and local communities.

449. The funds are planning to allocate an additional 800 million francs for the provision of services with effect from 1992, the financing of the child-care pacts being considered a priority objective.

450. The main purpose of the child-care pact is to establish a comprehensive and coordinated policy of partnership with local authorities leading to the creation of child-care facilities for children from birth to the age of six.

451. These objectives can be summarized by four key words:

- Universality, by covering the entire population whatever the mother's professional status;

- Coherence and fairness, at the level of the residual financial burden on the family;

- Adaptation to local needs, through the precise evaluation of child-care needs at the level of the local community; and

- Quality, by allocating a substantial amount of financial assistance and actively monitoring its use by the Family Allowance Funds.

452. The child-care pact provides for joint financing by the Family Allowance Funds and the local authorities. It is signed for a duration of three to five years and its purpose is to improve child care policies in respect of children under six years of age living in the local community. The contract entered into effect on 1 January 1988.

453. The activities undertaken in connection with the child-care pact are very diverse and are designed to respond to all the needs families might have with respect to the care of small children.

454. They therefore concern both:

- Permanent child care for children under the age of three who are not yet at school and whose parents work.

- Temporary care for all children under the age of six. It may be regular and complementary to the nursery school, particularly when both parents work. It may also be provided on an occasional basis for all children, whatever the professional status of their parents.

455. These initiatives must be set out in a development chart, the aim of which is to evaluate in quantitative and qualitative terms what has actually been achieved compared with the needs expressed. The need for such a chart was highlighted by the studies carried out jointly by the local authorities and the Family Allowance Fund for the purpose of analysing the facilities already available and identifying precise child-care needs within each commune.

456. Moreover, in addition to the development of child-care facilities, financial aid is granted to working parents who wish to have their child cared for at home.

457. The home child-care allowance, established by the Law of 29 December 1986 with effect as of 1 April 1987, may be awarded irrespective of income to a couple (or a single person of either sex) employing one or

more persons at his home to look after at least one child under three years of age, where each member of the couple (or the single person) is engaged in a professional activity.

458. Up to a ceiling of 2,000 francs per month, the allowance covers the cost of the social security contributions (by the employer and employee) relating to the employment of a person to look after one or more children at home.

459. The child-care allowance is part of general legislation aimed at significantly benefiting the large families so vital to the country's demographic renewal, families faced with particular problems following the birth of the third child.

460. The parental care allowance, therefore, is only granted in cases where one parent elects to stay at home on the birth of a third (or subsequent) child.

461. The above-mentioned law of 29 December 1986 has, in particular, extended the range of beneficiaries of this allowance by considerably relaxing the eligibility conditions governing previous work.

462. Since 1 April 1987 it is sufficient to have completed two years' work during the 10 years preceding the commencement of the entitlement (and not, as previously, during the 30 months preceding the birth of the child giving entitlement to the allowance). Thus, this period may be calculated before the third birth in order to enable parents who stopped working on the birth of the first or second child to benefit from the allowance.

463. The allowance paid until the third birthday of the third or subsequent child is not contingent on the family's income and may still be awarded at half the original rate during the year preceding this anniversary if the parent who had stopped working resumes part-time work or undergoes paid vocational training. (In this case, the parents are simultaneously entitled to the home child-care allowance.)

464. Turning more specifically to persons alone (or single-parent families), the situation is covered to a great extent by the family allowance legislation.

465. They are entitled to special allowances, such as the family support and single-parent allowances.

466. The family support allowance, established by Law No. 84-1171 of 22 December 1984, replaced the orphan's allowance introduced by the law of 23 December 1970.

467. The purpose of this allowance is to help a surviving spouse, single parent or adoptive family to care for the orphan child(ren) for whom they have assumed responsibility. It is also granted in respect of children whose parents are separated when one or both parents refuse to contribute to their upkeep. In this latter case the allowance is treated as an advance recoverable by the State.

468. In cases where the amount of the contribution due has not been established by a court, the family support allowance is paid subject to the condition that the single parent must institute proceedings to obtain a judge's decision. When the amount has already been established, the body having accounting responsibility for family allowances is in charge of recovering the allowance from the debtor, on its own behalf and on behalf of the child. These bodies also have a more general responsibility to provide assistance in recovering unpaid alimony; accordingly, they can also recover the alimony due to the ex-spouse and amounts due to other children, provided the sums in question also relate to the period or periods for which the family support allowance was paid.

469. The family support allowance is paid for each and every child up to the age at which eligibility ceases, to the persons who have assumed effective and permanent responsibility for them. The service which provides assistance in recovering unpaid alimony and pensions is, moreover, available in respect of all minor children, even when they do not qualify their guardians for the family support allowance or other family allowances.

470. The single parent allowance, introduced by the law of 9 July 1976, is designed to provide temporary assistance (subject to income) to women who are widowed, divorced, separated de jure or de facto, abandoned or single, who have sole charge of one or more childen.

471. Eligibility to all the family benefits mentioned above extends to the overseas territories as well as metropolitan France.

472. In fact, the professional activity condition maintained in the overseas territories for eligibility to family benefits was completely abolished as of 1 July 1989 for all the benefits concerned pursuant to the Programme Law of 31 December 1986, which provides for the achievement within five years of comprehensive social parity with metropolitan France.

473. (d) On presentation of a medical certificate, a pregnant woman employee may request a temporary change of post if necessitated by the course of the pregnancy.

474. In the event of a change of post, the employee's salary must be maintained at the same level if she has completed at least one year of service in the enterprise. However, if the change of post takes place at the employer's intitiative with the agreement of the company doctor, the level of remuneration is maintained whatever the employee's period of service.

475. As soon as her health permits, the employee may resume her previous job.

476. The employee may reduce her maternity leave. However, it is prohibited to employ female personnel in commercial and industrial establishments during a period of eight weeks around the time of confinement, including at least six weeks after confinement. Outside the period during which employment is prohibited, employees in the private sector may renounce their claims to maternity leave. In the public sector it is possible to convert part of the prenatal leave to post-natal leave.

477. Employees working during the period of prohibition forfeit their entitlement to daily social security benefits and the employer assures legal liability.

3. Periodic review of the legislation

478. French legislation is constantly evolving in response to changing needs, as is shown by the recent dates of most of the legislation cited in connection with this article.

Parental leave

479. After the birth of a child, the father and/or the mother may decide to give up vocational activity for the time being. Each is entitled to take parental leave under certain specific conditions (article L.128.1 to L.122.31 of the Labour Code).

480. This leave is awarded to the two parents, who may take it simultaneously or alternately. It must be taken before the child reaches its third birthday and is subject to the condition that the parent must have had at least one year of service with his or her employer.

481. Adoptive parents are also entitled to parental leave, which expires three years from the date on which they assume responsibility for the child.

482. Parental leave may take the form of a total suspension of activity or of part-time work, for which the options lie between 16 hours per week and 80 per cent of full time. This leave is a right, except in enterprises employing less than 100 salaried staff members, where the employer may refuse the leave if he believes - after consulting the Board of governors of the enterprise, or in the absence of a Board, the staff delegates - that the absence of the salaried staff member in question will have consequences prejudicial to the good conduct of the firm's business (Law No. 91-1 of 3 January 1991).

483. However, the staff member may not, during part-time activity or prolongations of part-time activity, change the initially selected duration of work, unless the employer agrees to his request or the request is backed by a more favourable collective labour agreement or collective convention.

484. Steps to be taken to obtain parental leave:

485. If parental leave follows immediately after maternity leave, the staff member must:

- Advise the employer thereof by registered letter at least one month before the end of maternity leave;
- Indicate in the letter the date on which the parental leave is to begin and the initial duration desired.

486. If the leave does not follow immediately upon maternity leave (though it must be taken within two years of the expiry of maternity leave), the staff member must:

- Advise the employer by registered letter two months before the beginning of the leave, indicating the date on which the leave is to begin and the initial duration of leave desired.

487. At the end of the initial period of one year, the employee may extend parental leave two times, but the leave must end definitively on the child's third birthday.

488. An employee who wishes to extend parental leave advises the employer of the extension by registered letter at least one month before the end of the initial period. In certain circumstances he may request that the parental leave be changed to half-time employment, or may transform half-time employment into full parental leave.

489. The employee may end his or her parental leave before the specified date in only two cases:

- Death of the child, or

- A serious reduction in the resources of the household.

490. He must then address a request with appropriate explanations to the employer by registered letter one month before the date on which work is to be resumed.

491. An employee is entitled to take successive parental leaves for successive births.

During parental leave

492. During leave, the employee is still a member of the enterprise; the work contract is merely suspended.

493. He/she may participate in no vocational activity other than that of maternal assistant.

494. The employee is entitled where necessary to receive training, particularly when technical changes have occurred during his/her absence.

495. For purposes of calculating length-of-service benefits. parental leave is counted as half time.

496. If the employee does not resume work at the end of the leave, or wishes to leave the enterprise during leave, he/she must submit a resignation in due time and in conformity with the rules applicable to termination of a permanent contract.

497. The employer, for his part, may, provided he can adduce real and serious reasons, dismiss the employee during or at the close of parental leave. In this case the employer must adhere to the rules applicable to dismissal.

Night work for women

498. According to a study carried out by INSEE in 1991, there are in France 2.5 million employees who work at night, among them 500,000 women (representing altogether 13 per cent of the working population).

499. Among these 500,000 women, 210,000 work at night in the health sector, 70,000 in social work, 33,000 in hotels, cafes and restaurants, 17,000 in transport and 11,000 in industry.

500. The general rule that women may not be employed at night in industrial activities is subject to a certain number of exceptions (article L.213.1 et seq. of the Labour Code), among which is one recently introduced by Law No. 87-423 of 19 June 1987 concerning the duration of and arrangements for working time.

501. This law authorizes enterprises working in shifts to employ female staff at night, provided this exception to the general rule is specifically mentioned in an extended collective agreement and in an enterprise or facility agreement (or, where no union representatives are present, by an authorization of the Labour Inspectorate).

502. Since the law of 19 June 1987, just one industrial branch agreement, which had already been the subject of an extension order, has made use of the possibilities opened up by the above-mentioned law: this is the national agreement of 17 July 1986, extended by order of 1 October 1987, which was concluded in the metallurgy branch.

503. In 1991 some 40 enterprise agreements concerning night work for women were signed in the metallurgy branch.

504. Night work for women has been implemented on a voluntary basis, and it has compensations in terms of reduced working hours and salary bonuses. Return to day-time working is always possible. In all cases, specific medical surveillance is guaranteed.

505. Some agreements allow paid absences for the care of sick children.

506. As far as European law is concerned, the Court of Justice of the European Communities has held that French legislation prohibiting night work for women in industry is incompatible with European Directive No. 76/207 of 9 February 1976 concerning equality of treatment between men and women.

507. Accordingly, France on 27 February 1992 denounced Convention No. 89 of the ILO which prohibits night work for women and announced its intention of ratifying ILO Convention No. 171, which treats night work for men and women on an equal basis except in cases where the woman is pregnant, in conformity with European rules.

508. To avoid the risk of taking an unduly anodyne attitude towards night work, and in order to protect those who work at night, the Ministry of Labour, Employment and Vocational Training invited all vocational branches to negotiate with the social partners to secure improved compensations and guarantees for such work.

509. In view of the very different forms which night work can take from one vocational sector to another (permanent night work or occasional night work, for example), it seemed important for the social partners to come to an agreement on the various forms of compensation, notably on the reduced working time which should accompany night work.

Law on sexual harassment

510. Law No. 92-1179 of 2 November 1992 concerning abuse of authority in sexual matters in working relationships, which modifies the Labour Code and the Criminal Procedures Code, was conceived to prevent and to punish sexual harassment in workplaces.

511. This law aims in the first place at preventing any sanction, dismissal or discrimination which might be practised by a hierarchical superior or an employer who, abusing the authority conferred upon him by his functions, gives orders, utters threats, imposes constraints or exerts pressure of any kind upon an employee with a view to obtaining favours of a sexual nature. Similarly, an employee who testifies on the subject of, or reports the facts of, sexual harassment may not be subject to any kind of sanction or to dismissal.

512. The law provides that discriminatory measures practised because of an employee's response to sexual harassment are to be sanctioned either by being declared null and void or by the imposition of penal sanctions. A person who commits such actions is also subject to disciplinary sanctions.

513. The aim of the law is also to develop effective preventive measures. The head of the enterprise must introduce preventive measures, and the internal regulations of the firm must contain provisions concerning abuse of authority in sexual matters. The committee on hygiene, safety and working conditions may propose specific action.

514. With regard to legal action, the law enables the victim to benefit from the support of the unions and other associations which have been registered for at least five years; these associations can in fact bring actions at law provided they have the written authorization of the victim to do so. Legal discussions on the subject may take place behind closed doors or in the judge's chambers at the request of one of the parties.

515. The law is to be applied in all vocational environments. It applies to the employees of private firms and of the public service, but also to people who are employed at home, to maternal assistants and to caretakers.

ARTICLE 12

(Health)

516. 1. **States parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.**

2. Notwithstanding the provisions of paragraph 1 of this article, States parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

* * *

517. 1. Generally speaking, women continue to benefit more from the general increase in the average length of life.

518. This seems to be due to the greater capacity of women to benefit from advances in health care and the fact that their behaviour is more oriented towards prevention than men: life expectancy at birth is now 81.1 years for women compared with 73 years for men.

519. Women are medically much better monitored between the ages of 15 and 45 than men because of maternity and contraception.

520. At all ages, mortality is lower in women than in men - between 20 and 34 years; in fact, it is only one third of the rate found in men. After the age of 70, mortality in women approaches the rate found in men. Women then become more vulnerable to circulatory problems and falls.

521. Mortality due to tumours has decreased by 9 per cent among women whereas it has increased by 13 per cent in men. Lung cancer is on the increase, with mortality among women due to this cause being only a tenth the value found in men. On the other hand, breast cancer has become more frequent in women.

522. Mortality among women varies according to family and social circumstances: it is higher for women at home, domestic help and other service staff, and for industrial and farm workers. However, the variation among women is much less than among men.

523. 2. Let us note, finally, that pregnant women are subject to better surveillance than the average; they benefit nowadays from a medical and psychological environment which is of great assistance to them throughout pregnancy and at the time of birth.

524. 3. By decree of 24 April 1972, centres were set up to satisfy women's requirements in matters of contraception and sexuality.

525. These are establishments which provide information and arrange for consultations and family education, and they operate under the sponsorship of the State.

526. Their mission is to provide information on all questions relating to fertility and sexuality. They are run by associations and are particularly well equipped to provide information to schools. A decree specifying their aims in detail is being prepared at the present time.

527. There are also family planning and education centres for which the county councils are responsible.

528. These centres engage in the following activities:

(i) Medical consultations on questions relating to fertility;

(ii) Provision of information, as well as individual and collective prophylactic measures relating to problems of sexuality and family education, organized within and outside the centres in collaboration with other interested bodies;

(iii) Preparation for conjugal life and parenthood, advice on marriage and family matters;

(iv) Consultations prior to voluntary termination of pregnancy, as provided under article L.162-4 of the Public Health Code;

(v) Consultations on planned parenthood following a voluntary termination of pregnancy;

(vi) In some situations these centres are qualified to administer tests for HIV infection and to detect and treat venereal disease (decree of 6 August 1992).

529. In 1989, according to an inquiry published by the Ministry of Health, 1,054 centres were in operation in France - 953 in metropolitan France and 101 in the overseas départements. One third of these are run by the Mother and Infant Protection Centres, one third by the hospitals, one sixth by the communes and one tenth by the associations.

530. These centres carried out 600,000 interviews and 1,050,000 medical consultations in 1989. Furthermore, 300,000 individuals benefited from the collective information meetings organized by the centres, 135,000 of them in schools. Approximately 300,000 complementary laboratory examinations were prescribed, 50,000 of them with a view to detecting sexually transmitted diseases. Half of all the interviews and consultations concerned problems of contraception. Among the persons consulting the centres, 410,000 were 20 years of age or older. One interview out of four and one consultation out of 10 related to questions of abortion; and one consultation out of five was concerned with gynaecological problems.

531. The family planning centres give priority to creating awareness among young people. The goal seems in fact to have been reached: young people under the age of 20 make up 40 per cent of the clientele of the centres, whereas they represent only 16 per cent of the population which might be concerned (4 million in the age group 15 to 19 as compared with 24 million in the age group 14 to 44 years). Young men are beginning, rather timidly, to apply for information; they make up only 3.4 per cent of the applicants, and 2.4 per cent of the young people between 15 and 19 years of age, who consult the centres. Apart from the collective information dispensed by these centres, they offer anonymous consultations which are free of charge.

532. Women account for almost all the clientele of the centres, although men are not entirely absent (there were 13,000 of them in 1989, double the number who visited the centres in 1985). More than a third of the people who come for consultations return each year.

533. The costs of medical contraception (pill and coil), authorized in 1967 by the Neuwirth Law, have been covered by social security since December 1974. A recent decision of the Government foresees reimbursement for certain pills described as "third-generation" pills. Contraception, examinations relating to contraception, and also the detection and treatment of sexually transmitted diseases, are all free of charge in the family planning centres for minors who wish to keep their problems secret, and also for those who are not socially ensured.

534. Women are today dealing more effectively with problems of fertility: one woman out of two now uses medical contraception, compared with scarcely more than one out of three 10 years ago. The pill and the coil are by far the most commonly used methods of contraception.

535. An opinion poll conducted by IFOP on behalf of the Secretariat of State for Women's Rights has confirmed the results of periodic INED inquiries: 31 per cent of the women questioned said that they used the pill most frequently (3,250,000 women of reproductive age). The coil comes in second place, with 19 per cent of the persons questioned, followed by condoms with 13 per cent (and an additional 14 per cent who use them occasionally).

536. The pill turns out to be the preferred contraceptive of young women, whereas the coil is used largely in the second part of reproductive life.

537. This two-phase utilization of contraceptives - first the pill and then the coil - has meant a continuous extension of medical contraceptive methods since the 1970s.

538. The differences between social groups, and between the rural population and city dwellers, have become much smaller during the last 20 years, and differences associated with level of education are also diminishing.

539. 4. Law No. 75-17 of 17 January 1975 and Law No. 79-1204 of 31 December 1979 authorized voluntary termination of pregnancy in certain circumstances.

540. The abortion must be performed:

- By a doctor;
- In a public or private hospital authorized to receive pregnant women;
- Before the end of the tenth week of pregnancy.

541. Women may choose between two medical techniques:

- The instrumental technique (aspiration);
- Medication (RU (Roussel-Uclaf) 486).

542. The RU-486 (Roussel-Uclaf) method is practised at the present time in cases of amenorrhea under 50 days (i.e. five weeks of pregnancy) and is not advised for women over 35 who smoke.

543. A large survey carried out by INSERM in 1990 does much to explain the choice - and the degree of satisfaction - of women who have used RU-486:

- Eighty-seven per cent of women state that they are well satisfied by this new method of terminating pregnancy;
- RU-486 is perceived as a progressive technique which avoids any form of surgery;
- It is chosen in the main by young women who have a good understanding of the advantages and disadvantages of the method.

544. In the years that have passed since the relevant law was adopted, we have seen:

- A virtual disappearance of fatalities following abortion;
- A reduction in the total number of pregnancy terminations thanks to improved information;
- A huge decrease in the number of illegal terminations and a complete cessation of profit-making from abortion.

545. The number of voluntary terminations of pregnancy carried out each year in France is now of the order of 170,000, as compared with 182,000 in 1985; in other words there has been a marked decrease. The number has remained relatively stable for several years now.

546. The reform of the Penal Code adopted by Parliament in 1992 - which will not enter into force until 1993 - has modified certain provisions concerning voluntary termination of pregnancy. Articles 223-10 et seq of Law No. 92-684 of 22 July 1992, amending certain provisions of the Penal Code concerning the punishment of crimes and offences against persons, prescribes sanctions for "illegal termination of pregnancy" and replaces the present article 317 of the Penal Code.

547. Provisions have also been introduced with a view to countering the machinations of groups which are trying to paralyse the operation of pregnancy termination centres - groups whose activities have grown greatly in scope during the last few years.

548. In the first place, a joint circular of the Secretariat of State for Women's Rights, the Ministry of the Interior and the Ministerial Delegate attached to the Ministry of Health was addressed on 27 February 1992 to prefects and to the directors of hospitals and clinics. The purpose of this circular was to coordinate the action of all administrative authorities concerned by these manifestations, and at the same time to define the measures which should be taken to halt such actions - preventive measures, and precise instructions for handling incidents. Parallel to this, the Ministry of Justice on 6 March 1992 sent a note to public prosecutors, encouraging the judiciary to contribute, through planned action, to the effectiveness of the measures mentioned in the circular.

549. Secondly, a provision laying down penal sanctions for persons who participate in the activities of the above-mentioned groups has been drafted and incorporated in a draft law laying down various measures relating to social order, a draft which was submitted to the National Assembly at the end of 1992.

550. The Government now proposes to include, in the chapter of the Public Health Code concerning voluntary termination of pregnancy, a new section instituting sanctions for those who prevent access to, or disrupt the activities of, the units where voluntary terminations of pregnancy are practised with a view to preventing such terminations from being carried out.

551. Article 15 of the draft law concerned with various measures relating to social order is worded as follows:

> "Article 15: To chapter III *bis*, section 1, book II of the Public Health Code, add a chapter IV worded as follows:
>
> 'Chapter IV
>
> Interference with voluntary termination of pregnancy
>
> Article L.162-15. A penalty of imprisonment for a period between two months and two years, and a fine of between 2,000 and 30,000 francs, or one of these penalities alone, is provided for the action of preventing, or attempting to prevent, a voluntary termination of pregnancy or for the preliminary actions mentioned in articles L.162-3 to L.162-8:
>
> - By preventing access to the establishments mentioned in article L.162-2 or impeding the free circulation of persons within such establishments;
>
> - Or by uttering threats or performing any act of intimidation *vis-à-vis* the medical and non-medical staff working in such establishments and the women who have come to them with a view to undergoing a voluntary termination of pregnancy.'"

552. 5. France is very concerned by the problem of sexual mutilation.

553. There is no specific law which condemns sexual mutilation.

554. However, the law makes use of article 312-3 of the Penal Code which lays down penalties for violence leading to "mutilation, amputation ... ".

555. In fact, since the Order of 20 August 1983 handed down by the criminal division of the Court of Appeal, the law considers that "ablation of the clitoris resulting from voluntary violence constitutes mutilation within the meaning of article 312-3".

556. In 1989 the Paris Assizes condemned a Mali woman to a suspended prison sentence of three years for having her daughter circumcised. The offence was termed "complicity in voluntary violence practised upon a

child less than 15 years of age and leading to mutilation". This was the first time that a criminal sentence had been pronounced for an excision which did not lead to the death of a child.

557. In 1991 the Paris Assizes pronounced a sentence of five years imprisonment on a Mali woman who had circumcised the six daughters of a Mali couple; the parents themselves were condemned to five years in prison (suspended) with two years probation. This was the first time that a woman who had actually performed female circumcision had been brought to trial and also the first time that such a severe sentence had been pronounced.

558. For a long time there seemed to be some question whether it was worth instituting prosecutions to combat a phenomenon described as "cultural", but little by little the courts have come to recognize the criminal nature of female circumcision.

559. France has also signed (on 20 November 1989) and ratified (on 2 July 1990) the United Nations Convention on the Rights of the Child, which envisages among other things, in article 19, that States parties should take all appropriate measures to protect the child from all forms of physical or mental violence, injuries or abuse, maltreatment (including sexual abuse) while in the care of parent(s) or any other person who has care of the child.

560. In August 1988 the French Government stated its position on sexual mutilation: "Acceptance of cultural relativism does not mean that one is bound to defend any and every so-called tradition (...)". Similarly, in a press communiqué of 6 March 1991, the Secretariat of State for Women's Rights confirmed this position, supporting the Government's stand and firmly condemning the practices involved.

561. This position is in harmony with the resolution entitled "Women and Health Care" adopted by the European Parliament on 15 May 1990, which aims at putting an end to sexual mutilation within the European Community (clitoridectomy and infibulation).

562. The purpose of the steps taken by the Secretariat of State for Women's Rights is to bring about effective prevention of sexual mutilation.

563. Prevention can be achieved through:

- Financial assistance to the associations which, on the one hand, dispense information in the Mother and Child Protection Centres, nursing schools and homes, and, on the other hand, bring civil cases before the courts in trials involving excision;

- Development of a group known as "contact women" to provide an interface between these institutions and the public concerned;

- Provision of information, creation of awareness, and training of health-care personnel.

564. Prevention policy must be carefully coordinated between the different institutions involved, in the interests of truly coherent and effective action.

6. Marital violence: breaking down the wall of silence

568. In order to inform public opinion about the all too often obscured problem of marital violence, a national information campaign was organized by the State Secretariat for Women's Rights in 1989.

569. This campaign, which was incorporated into a policy aimed at defending women's rights and dignity, was a decisive step in a process whose primary objective was to "break down the wall of silence".

570. Two complementary initiatives were carried on in the course of this campaign: the transmission by all television channels of a 45-second clip (for 15 days), linked to a phone-in centre during which 100 listeners from the community received some 4,333 calls (2,074 from women themselves).

571. According to the women answering the phones, the national campaign probably enabled a significant number of women to speak out for the first time about the violence of which they were the victims.

572. The national campaign was particularly well coordinated at local level, showing exceptional mobilization of people involved in the prevention of violence and assistance to victims.

573. For the purpose, departmental commissions were set up. The first assessment confirms the scale of violence against women. These commissions, over and above the thinking process, have in particular made it possible to apply specific solutions, relevant to the problems encountered and the needs identified in each region.

574. In order to improve the situation of maltreated women, special training is being given to police and gendarmerie personnel who have a role in protecting these women. Financial support is granted to the associations whose task it is to inform and assist maltreated women every step of the way (in instituting legal proceedings, seeking employment and lodging, and so on).

575. Moreover, the work of a national group of experts, which has met regularly, has given people a more thorough understanding of the problem of violence against women in general, thus making it possible to tackle the problem more effectively and to gain better control of violent situations.

576. This work led to the organization, in November 1990, of what has been called the National Assizes on the theme of violence against women.

577. The purpose of the National Assizes was to focus thought on the question - to understand the background of violence, how it works in the individual and among couples and within the family - in order to guide the actions of the public authorities and the specialist social workers concerned as effectively as possible.

578. In 1992 a further step was taken to assist women victims of conjugal violence through the installation of a permanent national telephone service which went into operation in June.

579. This service can rely on the backing of the Federation of Battered Women's Aid Associations and is supported financially out of the public purse. It has been brought to the attention of the public through the media (press conferences, nation-wide distribution of posters and folders).

580. In the course of only four months this telephone service has counted more than 9,000 calls from women and professional social workers interested in obtaining information and in providing personal assistance.

581. Further, a circular put out by the Secretariat of State for Women's Rights asked the departmental prefects to set up new committees to consider the results of the awareness and information campaigns.

582. Recognition is likewise given to the importance of enabling women victims of violence and their children to remain as far as possible at home, notably in cases where the police and gendarmerie are forced to intervene in their homes to stop serious violence which might constitute an offence under the law.

583. The network of associations which assist women in difficulty has been given every encouragement to develop further within the framework of the above-mentioned ministerial campaigns and receives generous financial assistance for the purpose.

584. These associations provide psychological support and legal information as well as other assistance to women in connection with all the steps they have to take, including the search for new lodgings. Some of them intervene in judicial proceedings and are qualified to bring civil actions.

585. An interministerial committee has been asked to consider all these problematic aspects of cases where intervention is necessary and to produce recommendations aimed at ensuring better application of existing procedures and introducing improvements in professional practice.

586. Progress has in fact been made: perinatal mortality has dropped by 50 per cent and the premature birth rate by about 40 per cent; and prenatal surveillance and care has been improved in both frequency and quality, especially for women at home.

ARTICLE 13

(Social and economic advantages)

587. **States parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality between men and women, the same rights, in particular:**

(a) The right to family benefits;

(b) The right to bank loans, mortgages and other forms of financial credit;

(c) The right to participate in recreational activities, sports and all aspects of cultural life.

* * *

588. (a) Family allowances which together help families support the children for whom they are responsible and to cope with certain specific circumstances are granted under strictly identical conditions, regardless of whether the recipient is a woman or a man, with the exception of the Young Child Benefit (Allocation Pour Jeune Enfant - APJE), in respect of which the compulsory prenatal medical examinations can obviously only be undergone by a woman.

589. In one area, however, the law gives priority to the woman, since if the recipient cannot be designated by the couple by common agreement, the wife or the female partner will be the recipient.

590. (b) Women can enjoy all forms of financial credit on the same terms as men. By and large, however, they offer fewer guarantees than men and are accordingly more often refused loans.

591. To overcome this problem, a guarantee fund for women has been set up by the State Secretariat for Women's Rights to guarantee bank loans taken out by women who wish to create or develop an activity.

592. In 1989, about 100 cases benefited from this assistance permitting the creation of 153 jobs.

593. (c) There is no discrimination in law to prevent women participating fully in leisure activities, sports or cultural life.

594. It is clear that free time differs for men and women, because of the amount of time devoted by women to housework on top of their occupational duties, since the distribution of family tasks is still not equal.

Sport

595. The rate of women's participation in sport is about 20 per cent lower than that of men. Women participate in few team games or violent sports. They participate equally with men in walking, excursions, cross-country skiing and from 20 to 30 years of age in gymnastics, swimming, body-building. Sporting spectacles mainly attract men.

Outings

596. Women go more than men to the theatre, classical music concerts and variety shows. Rock and jazz concerts are more often attended by men. Going out to a restaurant mainly involves couples. Men are still keener on cafes and funfairs.

Cultural Outings
(rate of participation in per cent)

Type of participation		Women	Men
Cinema	(more than once a year)	43.3	46.6
	of which more than 3 times a month	3.8	4.0
Theatre		28.7	24.7
	of which more than once a year	11.6	9.5
Museums		31.2	32.5
	of which more than 3 times a year	6.8	7.2
Art or cultural exhibitions		25.6	23.4
	of which more than 3 times a year	5.8	5.2
Castles or monuments		38.9	40.4
	of which more than 3 times a year	8.8	8.6
Classical concerts, opera		13.9	10.9
	of which more than once a year	5.5	4.5
Rock or jazz concerts		12.8	16.1
	of which more than once a year	4.9	7.0

Source: INSEE leisure survey 1987/1988.

Amusement Outings
(rate of participation in per cent)

Type of participation		Women	Men
Music Hall, Variety Show		26.8	23.6
	of which more than once a year	17.0	14.8
Circus		31.6	30.7
	of which more than once a year	12.7	12.4
Sporting spectacle with paid admission		22.2	48.3
	of which more than twice a year	8.0	28.0

Type of participation	Women	Men
Dancing	29.2	29.6
of which more than once a month	8.0	12.2
Funfairs or regional fairs	62.5	68.5
of which more than 3 times a year	10.3	13.0
Exhibition fair or salon	49.6	59.5
of which more than 3 times a year	3.7	5.9
Cafe	51.0	71.9
of which every day or more often	3.9	12.6
Restaurant for pleasure	65.2	68.1
of which more than once a month	12.0	14.8

Source: INSEE leisure survey 1987/1988.

Cultural activities at home - pastimes, games

597. Generally speaking, as far as reading, watching television and listening to the radio are concerned, there is no difference between men and women. However in detail, it can be noted that women read more books than men but very few daily newspapers or comics.

598. Women are more active than men in the plastic arts. After the age of 30 years more men play a musical instrument. Girls do music under family pressure but later give it up.

599. Women are very good at crossword puzzles while men play cards and other social games much more.

600. The only pastime where there is no difference is collecting.

601. Women are also almost as much involved as men in do-it-yourself activities which is both a hobby as well as often a domestic necessity.

ARTICLE 14

(Rural areas)

602. 1. States parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the applications of the provisions of this Convention to women in rural areas.

2. States parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

(Reservation of France:

1. The Government of the French Republic declares that article 14.2 (c) should be interpreted as guaranteeing that women who fulfil the conditions relating to family or employment required by French legislation for personal participation shall acquire their own rights within the framework of social security.

2. The Government of the French Republic declares that article 14.2 (h) of the Convention should not be interpreted as implying the actual provision, free of charge, of the services mentioned in that paragraph.)

* * *

603. In France, up to the 1980s, the term rural was confused with agricultural.

604. Today, statisticians, geographers, development planners and elected representatives base their studies on the concept of the commune. A rural dweller is someone resident in a commune of less than 2,000 inhabitants. Fifteen million people, of whom 49.5 per cent are women, live in such communes.

605. In France, the position of the rural population is not fundamentally different from that of the urban population.

606. Nevertheless, some particular features can be pointed out.

607. 1. With regard to education, the level of education of girls is generally lower than in urban areas.

608. The results are encouraging, however, in the field of agricultural technical education.

609. With regard to the number of students and the proportion of girls, the following table shows the situation in 1989-1990 in State schools.

Level of qualification	Boys	Per cent	Girls	Per cent	Total	Per cent
5 (CAP.BEP)	15 168	68.4	7 001	31.6	22 169	100
4 (BT.BAC)	18 399	75.5	5 965	24.5	24 364	100
3 (BTS preparatory classes)	7 025	75.4	2 288	24.6	9 313	100
TOTALS	40 592	72.7	15 254	27.3	55 846	100

610. The majority of students in agricultural education are. however, in private establishments contracted to the State.

611. In 1988-1989, the figures in contracted private establishments were as follows:

Level of qualification	Boys	Per cent	Girls	Per cent	Total	Per cent
5 (CAP.BEP)	29 556	47.4	32 809	52.6	62 365	100
4 (BT.BAC)	9 448	72.6	3 557	27.4	13 005	100
3 (BTS)	3 186	77.3	934	22.7	4 120	100
TOTALS	42 190	53.1	37 300	46.9	79 690	100

612. With regard to success in examinations and the number of diplomas, the results are similar:

Diploma	Pass rate boys (%)	Pass rate girls (%)
CAP agriculture	74	76
BEP "	75	71
BT "	66	65.8
BTS "	75	76

613. A progressive rise in the proportion of girls can be seen at all levels. Thus in advanced technical grades, the proportion of girl students was 14 per cent in 1981, 19.5 per cent in 1984 and some 24 per cent in 1989.

614. 2. Women active in the rural environment can be classified into three groups:

(a) Wage-earners in enterprises, employees, civil servants (60 per cent). They have their own rights and benefit from current labour legislation;

(b) Women heads of enterprises who have the same legal rights as their male colleagues. They are doctors, pharmacists, nurses, artisans, traders, farmers, etc. ...

615. The woman farmer may ply her profession in several legal forms:

She may be:

616. Director of a one-woman operation and thus benefit from professional status and personal social entitlements (family allowances, sickness insurance, disability pension, retirement pension).

617. Director of a company:

- Either in an agricultural land association (groupement foncier agricole - GFA) or a joint agricultural company (groupement agricole d'exploitation en commun - GAEC);
- Or else, following a law of 11 July 1985, in a limited liability farming enterprise (exploitation agricole à responsabilité limité - EARL). This enterprise which can be constituted by two spouses in partnership alone also has the advantage of separating private property from farm property. It guarantees women farmers the means of professional equality with their husband by recognizing their true partnership status.

618. In order to further encourage spouses to opt for the company formula, the decree of 23 February 1988 relating to the installation of young farmers now grants two "young farmer grants" per household when the partners are both directors of companies in an agricultural company or an EARL.

619. Partner, that is working the same agricultural land with the husband.

620. It should however be pointed out that there can be no partnership when the farm is the sole property of one spouse or when the lease is drawn up in one name only. In other words, in order for the wife to be a partner, she must have ownership rights over the farm or be joint leaseholder with her husband.

621. If these conditions are met, the two spouses will both have the status of partner with the rights attached thereto, they will contribute on half of the land revenue and each will have half a pension.

622. The law of 30 December 1988 concerning the adaptation of farming to its economic and social environment, in order to encourage spouses to choose the partnership option, improves their pension rights.

623. "Spouses": these are women working with their husband in a family business. Until recently (the 1980s) wives of traders, artisans and farmers did not have rights of their own. This inequality of status between men and women is in the process of becoming a bad memory.

Spouses of artisans and traders

624. The law of 10 July 1982 offers the wives of artisans and traders the option of choosing between three types of status. The request must be made individually or with the husband. The enterprise must be recorded in the Trade Register and the woman must carry on her professional life in the family business. The three types of status are collaborating spouse, salaried spouse or associate spouse.

625. The three types of status give rise to different personal and professional social entitlements (social security, pension, etc.). The associate spouse enjoys complete equality with her husband. Associate spouses and collaborating spouses may be elected to professional bodies and, in the same way as female farm-workers but through a different system, may qualify for maternity leave.

626. The law of 31 December 1989 concerning the development of commercial and artisanal enterprises and the improvement of their economic, legal and social environment provides two measures in favour of artisans' and traders' spouses (articles 14 and 17):

627. Article 14 of the law of December 1989 institutes to the benefit of the "surviving spouse of the director of an artisanal or commercial enterprise, who proves he or she has in all respects participated directly and effectively in the activity of the enterprise for at least ten years, without receiving a salary or sharing in the profits or losses of the enterprise, an entitlement to an amount equal to three times the basic standard minimum wage in force at the date of death, subject to a limit of 25 per cent of the assets of the estate".

628. This measure was adopted in order to permit the surviving spouse under the separation of assets regime, who has participated for at least ten years in the activity of the enterprise without receiving remuneration or having personal rights, to have his or her work rewarded by the possibility of drawing a sum from the estate, up to a maximum of 25 per cent of the assets.

629. In this way, this measure is intended to apply to spouses who were in some way excluded from the new rights in the law of 10 July 1982.

630. Collaborating spouses in limited liability one-man businesses (EURL/Law of 11 July 1985) have recently found themselves granted by article 17 of the law of 31 December 1989, the benefit of the status of collaborating spouse which entitles them to belong to the pension scheme for non-salaried workers, when they do not benefit from a compulsory pension scheme.

Farmer's spouse

631. During the last ten years, the position of farmers' spouses has changed progressively:

832. On 1 July 1977, a maternity replacement grant was introduced to permit women farmers (directors of farms or farmers' spouses) to be replaced by salaried staff in farm work.

633. The amount of the maternity grant covers 90 per cent of the costs of replacement. Following the Decree of 28 February 1986 it is paid for 56 days instead of the previous 28-day maximum.

634. The Agricultural Orientation law of 4 July 1980 created a status of co-responsibility and gave professional rights to farmers' spouses:

- A mandate of mutual management;
- The possibility for either spouse to be elected to cooperative, mutual or agricultural credit bodies;
- Strengthening the rights of the non-leaseholding spouse (if there is a lease, it cannot be cancelled, assigned or renewed without the consent of the spouse of the signatory).

635. The law of 30 December 1988 concerning the adaptation of farming to its economic and social environment is aimed at facilitating the maintenance of spouses in farming.

636. In order to increase the security of women farmers, particularly if the farmer stops working, the law authorizes assignment of the lease by the spouse helping to run the farm and makes him beneficiary of the right of pre-emption on the same terms as the descendants (articles 15 and 17).

637. 3. In addition, on 30 June 1989 in the Member States of the Community, there came into force a directive on the application of the principle of equality in the treatment of self-employed men and women, including those in farming, as well as maternity protection. It provides equality of treatment in creating, setting up and expanding the enterprise, and the creation of a company by spouses. It encourages recognition of the work done by the spouse, protection of pregnancy and maternity among self-employed women.

638. In order to improve the situation of rural women, the State Secretariat for Women's Rights took the steps necessary to set up in June 1990 an interministerial group which may, depending on the subjects dealt with, be open to representatives of institutions, professions, unions and associations as well as individuals designated for their competence and experience.

639. Its purpose is to put forward proposals capable of supporting the economic, social, cultural projects of rural women and helping to improve their conditions of life, as part of the 1993 European target.

640. The work of the group is encompassed within the dual perspective formed by the rural environment in the years ahead, namely:

- A European perspective which takes account of the freezing of land, revisions of the common agricultural policy and new directions of structural funds as well as concerns for the quality of the environment and the balance of the territory of our partners.

- A geographical projection of the use of information technologies aimed at centralization of activities and investigation of opportunities for innovation offered to women in this field.

641. A practical approach is included, aimed at:

- First, identifying specific problems and solutions which could be implemented in each region in order to initiate, in business circles able to finance them, initiations in the field meeting the priority needs of women;

- And second, studying problems requiring fundamental reforms for which a more technical interministerial collaboration is required. The conclusions of the exercise could be the subject of an examination in interministerial committee of women's rights.

ARTICLE 15

(Equality before the law)

642. **1. States parties shall accord to women equality with men before the law.**

2. States parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of proceedings in courts and tribunals.

3. States parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

* * *

643. Equality of rights between men and women is a constitutional principle, contained in the Preamble to the Constitution of 27 October 1946 and reiterated in the Constitution of the Fifth Republic of 4 October 1958.

644. Thereby, women have exactly the same legal capacity as men, and the same opportunities to exercise that capacity.

645. Since equality of rights is a provision of national law, a contract cannot derogate from it, and cannot therefore have any legal effect aimed at restricting the legal capacity of women.

646. More generally, this equality of rights is manifested in all fields (freedom of movement, choice of domicile, administration of property, conclusion of contracts, etc.).

ARTICLE 16

(Matrimonial and family law)

647. **1. States parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:**

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(Reservation of France:

The Government of the French Republic declares that article 5 (b) and article 16.1 (d) of the Convention must not be interpreted as implying joint exercise of parental authority in situations in which French legislation allows of such exercise by only one parent.)

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(Reservation of France:

The Government of the French Republic enters a reservation concerning the right to choose a family name mentioned in article 16.1 (g) of the Convention.)

(h) The same rights for both spouses in respect of ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration;

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

* * *

648. 1. There has been since the beginning of the century a process of equalizing the status of spouses. The right of marriage is no longer based on the seniority and superiority of the husband but on equality and partnership.

649. The laws of 23 December 1985 and 22 July 1987 have brought this trend to a successful conclusion.

650. (a) In France, legal marriage is the civil marriage. Engagements and religious marriages when they occur are merely religious and social customs which do not involve discrimination against women.

651. The principle of the legal equality of men and women means that they have the same right to contract marriage.

652. (b) Article 146 of the Civil Code provides that "there is no marriage when there is no consent", this provision applying equally to women and men.

653. (c) Women have the same rights and responsibilities during marriage.

654. These last items of discrimination were abolished by the following laws:

- Law No. 65-570 of 13 July 1965 which provides that "each spouse shall have full legal capacity" (article 216 of the Civil Code), and "shall have the power to enter alone into contracts for the purpose of supporting the marriage or educating the children" (article 220 of the Civil Code).

- Law No. 75-617 of 11 July 1975 under which the two spouses can henceforth decide together their place of residence and can even choose to have two different domiciles (article 215 of the Civil Code).

- Law No. 85-1372 of 23 December 1985 which states that "each spouse may freely exercise a profession, draw profits and salaries and dispose of them after discharging the responsibilities of the marriage" (article 225 of the Civil Code), and also that each spouse "alone administers, binds and disposes of his/her personal property".

655. Conjugal violence must also be eliminated.

666. Beginning in 1985, at a time when the draft amendments to the Penal Code were under discussion, the Secretariat of State for Women's Rights put forward specific provisions to deal with violence among couples.

667. Law No. 92-684 of 22 July 1992, amending the provisions of the Penal Code that deal with the punishment of crimes and offences against persons, contains specific provisions on violence perpetrated "by the spouse or concubine of the victim". Articles 222-7 et seq. lay down penalties for violence against persons, and if the perpetrator of such violence is the spouse or concubine of the victim, this is actually treated as an aggravating circumstance attracting a severer penalty for such offences. Any and all violence perpetrated by a spouse or concubine is now regarded as an offence, whatever the degree of incapacity for work that might result from it.

668. Thus conjugal violence is clearly condemned as a matter of principle in French law, and evaluation of the actual harm done (which is in any case bound to be very subjective) has no influence on the quality of the offence, though it may influence the severity of the penalty.

669. On dissolution of marriage, the rights and responsibilities of men and women are alike.

670. (d) The law of 4 June 1970 substitutes parental authority for paternal power.

In the legitimate family, both parents have parental authority.

671. Parental authority consists of rights over persons (rights of custody, care and education, with, in respect of third parties acting in good faith, presumption of agreement between the two spouses when a normal act has been carried out by one of them) and property (right of legal enjoyment).

672. In the event of disagreement, one of the two spouses may apply to the guardianship judge, who will give a ruling after endeavouring to reconcile the parties (articles 372-1 and 383 of the Civil Code).

673. With regard to children born out of wedlock, parental authority used to belong to the first one to recognize the child. The law of 4 June 1970 institutes the primacy of the mother. Based on the observation that in the great majority of cases, children born out of wedlock are brought up by the mother, it is she who exercises parental authority under article 374 of the Civil Code.

674. This rule can be modified either to allow joint authority or authority of the father. The parent who does not have parental authority may be granted rights of access and care by the judge.

675. The law of 22 July 1987 is designed to facilitate the joint exercise of parental authority.

676. This law incorporates, in the first place, a provision which clearly gives the court the option of assigning parental authority to both parents when a couple separates. By thus favouring the joint exercise of parental authority, the 1987 law echoes the concept that "the parental couple survives the conjugal couple".

677. Parallel to this, the 1987 law favours the joint exercise of parental authority in matters of natural filiation. In consideration of the increase in births out of wedlock, which are occurring more and more frequently among stable couples who intend to raise their children together, the 1987 law amended article 374 of the Civil Code in such a way that a simple declaration by the two parents now suffices to establish the joint exercise of parental authority.

678. The retention of the mother's primacy, however, explains why France maintains its reservation.

679. With regard to the payment of maintenance, which is one of the overall responsibilities of parents, the law of 22 December 1984 provides for the intervention of agencies providing family benefits in recovering maintenance which has not been paid. These agencies offer two separate services:

- Assistance in recovering unpaid maintenance, where the benefit agency itself initiates procedures to recover the maintenance from the debtor (a service offered to all parents owed maintenance).

- An advance on maintenance: family support allowance (ASF), which is only paid to single parents (single with dependent children).

680. The amount of the family support allowance is adjusted, like all other family allowances, on 1 January and 1 July each year.

681. The law of 1984 is intended to assist in the recovery of unpaid maintenance, by making the persons concerned, the parents, responsible. The means used by the law is the intervention of a third agency as intermediary between creditor (in most cases the woman) and debtor.

682. This mediation in relations between parents makes it possible to remove the unpleasantness of the situation, permitting a new contact while protecting the creditor. Indeed, the arguments of creditors who did not pursue recovery of maintenance were the following:

- The fear of becoming involved again with the former spouse;
- Refusal to take criminal proceedings: "I do not want the father of my children to go to prison", is the phrase most often quoted.

683. By remaining firmly on the ground of Civil Law and repayment of the debt, the 1984 law makes it possible to avoid such snags. There is also the advantage that the single (not remarried) creditor is paid an allowance (ASF), while not taking away responsibility from the debtor, since the agency recovers the maintenance.

684. It should also be noted that the agency has the task of first trying out an informal procedure in order to remind the debtor of his duties.

685. In January 1988, a report on the working of the law was submitted to Parliament, showing that the new procedure was operating satisfactorily.

686. (e) Women benefit from contraceptive methods and voluntary termination of pregnancy.

687. Initial information is given in the context of educational programmes as indicated in connection with article 10 (h).

688. Above all, there are family planning centres whose activities are very important in this area.

689. The question as a whole has already been covered in the consideration of article 12-1.

690. (f) Women have the same rights as men in the matter of guardianship, trusteeship, custody and adoption of children.

691. (g) With regard to the choice of family name, a distinction drawn in substantive French law between the surname determined by a person's civil status and the customary name used in everyday life should be recalled.

692. Marriage does not effect any change in the surnames of the spouses according to the law of 6 Fructidor, year II, reiterated in an order of 20 March 1985, which includes in the family registration book a paragraph concerning spouses; this states that "marriage has no effect on the names of spouses, who continue to have as their only official surname the one contained in their birth certificate".

693. Each spouse may add to his/her surname (or, in the case of the woman, substitute for her surname) that of the spouse; and a woman may also bear the name of her former spouse if she is entitled to continue to use it (article 254 of the Civil Code); in accordance with the Prime Minister's circular of 26 June 1986, this can be done without mention of the word "wife" or "former wife" or "authorized to use the name of".

694. However, more often than not women and men are unaware of the fact that there is no obligation to take the name of the spouse. Present-day practice remains very much in line with tradition and is in fact strengthened by the habit of public, para-public and private bodies which, by systematizing one option, namely the taking of the husband's name, are in fact not treating women and men equally.

695. In this connection, the Secretariat of State for Women's Rights has organized for the end of 1992 a ministerial discussion in order to highlight the problems which various organizations are having in applying the relevant provisions and to propose measures which, it is hoped, will overcome the obstacles (information, training).

696. As far as the transmission of surnames is concerned, ancient custom, confirmed by law, gives precedence to the name of the father.

697. Thus a child bears the surname of its father (the husband of its mother) in cases of legitimate filiation and, in cases of natural filiation, the name of the parent who first recognizes it; if recognition is accorded by the two parents simultaneously, the child takes the name of the father (article 334-1 of the Civil Code).

698. Opinion polls carried out when the preparatory work for the law of 23 December 1985 was being done revealed that transmission of the father's name was still widely accepted.

699. Article 43 of Law No. 85-1372 of 23 December 1985 made it possible to adopt a customary name composed of the surnames of both parents.

700. Regarding the choice of a profession, the law of 23 December 1985 provides that each spouse enjoys the same right; the woman can therefore freely engage in a profession (article 225 of the Civil Code).

701. (h) Women enjoy the same rights as men with regard to the acquisition, administration and enjoyment of personal property as well as common property.

702. Concerning personal property, article 1428 of the Civil Code provides that "each spouse shall administer and enjoy his/her personal property and may dispose of it freely".

703. Certain articles amended by the law of 23 December 1985 have the same intention, in particular "each spouse may freely (...) realize his/her profits and dispose of them freely" (article 223 of the Civil Code); "each spouse shall administer, bind and assign his/her personal property".

704. It is the same law of 1985 which makes for complete equality of husband and wife in the management of common property.

705. The wife, like the husband, may now administer common property and dispose of it. The agreement of the two spouses is still required only in serious cases.

706. Finally, the 1983 Finance Law established the fiscal capacity of married women, giving equal rights to the spouses with regard to income taxes: for example, the signature of each spouse is required for the joint declaration of the couple.

2. Minimum age for marriage

707. (a) The law establishes a minimum age for marriage: article 144 of the Civil Code provides that "men not having attained 18 years, and women not having attained 15 years, may not contract marriage". Article 145 nevertheless makes a reservation: "the public prosecutor at the place where the marriage is celebrated may grant dispensations of age when there are serious grounds for so doing".

708. The marriage is publicly announced at the town hall of the place of marriage and the town hall where each of the future spouses has his/her domicile. It is performed by a registrar and inscribed in the registers (articles 165 and 166 of the Civil Code).

709. (b) In addition, article 148 of the Civil Code provides that "minors may not contract marriage without the consent of their father and mother; in the case of disagreement between the father and the mother, the divided opinion constitutes consent".

710. Polygamy is regulated, in French law, by two interrelated principles: prohibition of the celebration of polygamous unions, and the guarantee of uniqueness of personal status.

711. In France the prohibition of polygamy is a principle of public order; violation of this principle is sanctioned by annulment of the irregular marriage and constitutes an offence punishable under article 340 of the Penal Code. The principle states that no French citizen may contract a polygamous union and that no such union, whatever the nationality of the parties concerned, may be solemnized by an official of the French civil service. On the other hand, the necessity of stable personal status has led international private law, in France, to apply the national law of the party concerned to this status (bilateral treatment under article 3 of the Civil Code).

712. The interaction of these two principles has led logically to a situation in which certain effects of polygamous unions contracted abroad by foreigners in accordance with their national law are recognized in France.

713. A polygamous union contracted validly outside France creates a de facto situation which in all fairness has to be taken into account with respect to particularly vulnerable persons such as the second wife and her children. Thus French law has accepted certain consequences of the validity of a marriage concluded between spouses having polygamous status in areas such as the obligation to pay alimony, reversionary pensions, and issues connected with filiation (since the children of such unions are regarded as legitimate).

714. On the other hand, the principle of public order under which polygamy is forbidden in French law remains an obstacle to the acquisition of certain rights.

715. Polygamy can in fact be construed as evidence of the lack of assimilation foreseen in the French Nationality Code which can serve as grounds for Government refusal to grant French nationality. In medical insurance matters, the first wife who lays claim to medical insurance rights will be the only one recognized by the public health authorities.

Proposals of the Senior Integration Council

716. The report of the Senior Integration Council which appeared in January 1992, entitled "Legal and Cultural Conditions for Integration", takes up the subject of polygamy in chapter 1 (conflicts between individual rights and integration: the question of personal status).

717. The Council appeals to the terms of the "Integration Contract" as defined at the Round Table of 29 May 1990 presided over by the Prime Minister: "France does not intend to accept on its territory practices which are incompatible with its fundamental principles, particularly with regard to women".

718. In fact the tolerance of the Courts is often denounced by women's associations, which point to the precarious nature of the status of women and also children.

719. Basing its approach on the concept of the rights and obligations of foreigners in France, the Council wants to have a clearer and more positive definition of the content of French "law and order"; it would also like to see the establishment of a legal statute concerning the family.

720. The proposals of the Senior Integration Council are as follows:

- Polygamy should, in future, prevent the person or persons concerned from acquiring the right to permanent residence in France;

- With regard to residence rights in any other form, polygamous family groups would be prohibited.

721. With particular regard to the integration of immigrants, the proposals of the Senior Integration Council and the search for ways and means of ending polygamous family groups in France were among the subjects discussed in the Prime Minister's statement of 8 April 1992.

Action taken by the Secretariat of State for Womens' Rights

722. The situation of the co-spouses in polygamous groups is often very difficult and is still not well understood. The measures proposed by the Secretariat of State for Women's Rights are accordingly aimed mainly at prevention.

723. The first task is to obtain information.

724. The idea is to make good use of the time between the submission of a request relating to a family group and the prefect's decision on the subject in order to give the applicant and the beneficiaries as much information as possible.

725. From the moment when an application is received, information is to be provided in both oral and written form: information on the procedural formalities to be followed for one thing, but also on the rights and duties of the beneficiaries upon their arrival in France and on the official steps that have to be taken.

726. At the same time, it is important to provide information for families who are joining their relations in France - information on conditions of life in France, on the rights they will have and on the obligations which they must respect.

727. This proposal - that is, to use the latent time profitably - was formulated by the "Family Group" working group of the Interministerial Committee for Integration, which also stressed the need to make good use of the Contact Women's associations and, more generally, of all persons and associations connected with immigration; these people, possessing a knowledge of the culture and style of life of the country of origin, can participate very usefully in the welcoming process as a whole.

728. An important part would also be played by information and awareness-development campaigns, and by specific training for those who are called upon to work with immigrants (administrative officers, health officers, social workers and so on).